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THE EDMONTON CHARTER

Chapter 19 of The Ordinances of The North-West
Territories, 1904, as amended by Chap-
ter 76 of 1906 (Alberta), Chapter
35 of 1907 (Alberta) and
Chapter 32 of 1908

UNIVERSITY OF ALBERTA

OCT 28 1974

GOVERNMENT
PUBLICATIONS

PASSED IN THE THIRD SESSION
OF THE FIFTH LEGISLATIVE
ASSEMBLY OF THE NORTH-
WEST TERRITORIES



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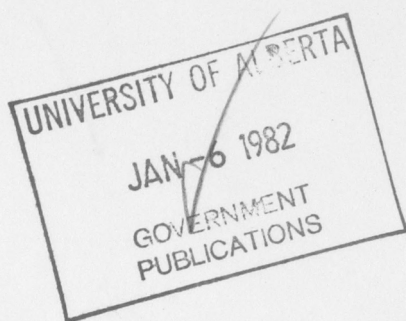


TABLE OF CONTENTS

OF THE

THE EDMONTON CHARTER

TITLE I.—Preliminary.....	1
TITLE II.—Incorporation: Annexation: Wards.....	4
TITLE III.—Council.....	5
TITLE IV.—Voters' Lists.....	6
TITLE V.—Elections: General Provisions.....	9
TITLE VI.—Elections: Procedure.....	16
TITLE VII.—School Trustees.....	30
TITLE VIII.—Corrupt Practices.....	31
TITLE IX.—Vacancies.....	34
TITLE X.—Meetings of Council.....	39
TITLE XI.—Mayor.....	39
TITLE XII.—Officials.....	41
TITLE XIII.—Secretary-treasurer's office and duties.....	42
TITLE XIV.—Plan of City, Repealed.....	43
TITLE XV.—City Solicitor.....	43
TITLE XVI.—Audit.....	43
TITLE XVII.—Commissioners.....	44
TITLE XVIII.—Appointments by Commissioners, Repealed.....	45
TITLE XIX.—Oaths of office.....	45
TITLE XX.—Governmental commission of enquiry.....	47
TITLE XXI.—Judicial commission of enquiry.....	48
TITLE XXII.—Legislative Jurisdiction.....	48
TITLE XXIII.—Money bylaws.....	53
TITLE XXIV.—Assent of burgesses to by-laws.....	56
TITLE XXV.—Quashing bylaws.....	66
TITLE XXVI.—Finance.....	67
TITLE XXVII.—Rates.....	72
TITLE XXVIII.—Expropriation.....	73
TITLE XXIX.—Actions by and against city.....	76
TITLE XXX.—Highways and public places.....	77
TITLE XXXI.—Assessment.....	80
TITLE XXXII.—Taxation.....	86
TITLE XXXIII.—Taxes.....	89
TITLE XXXIV.—Sale of land for taxes.....	94
TITLE XXXV.—Local improvements.....	101
TITLE XXXVI.—Penalties.....	109
TITLE XXXVII.—Miscellaneous.....	110
SCHEDULE A.....	111
AMENDMENTS 1908.....	129

ERRATA.

Page 2, line 9, for "therein" read "herein."

Page 53, line 18, for "an" read "any."

Page 105, line 18, between "such" and "local" insert "other."

Page 105, line 35, between "this" and "local" insert the words "Ordinance and it shall not be necessary to cite the amount of the."

Page 107, line 10, for "maaner" read "manner."

1904

CHAPTER 19.

An Ordinance to incorporate the City of Edmonton.

[Assented to October 8, 1904.]

As amended by Chapter 76 of 1906, (Alberta).

[Assented to May 9, 1906.]

And as further amended by Chapter 35 of 1907, (Alberta).

[Assented to March 15, 1907.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

TITLE I.

PRELIMINARY.

1. This Ordinance may be cited as "*The Edmonton Charter.*" Short title
2. In this Ordinance the word—
 1. "Elector" means a person entitled to vote at municipal "Elector" and school elections in the said city;
 2. "Commissioners" means the commissioners of the city "Commissioners" of Edmonton;
 3. "Council" means the municipal council of the said city; "Council"
 4. "Burgess" means an elector who is such in respect of "Burgess" freehold property;
 5. "Felony" means any indictable offence which since the "Felony" passing of the Criminal Code of Canada, 1892, is punishable with death or imprisonment for a period of five years or over and "misdemeanor" any offence which under the said code the "Misdemeanor" extreme penalty is imprisonment for a term less than five years and two years or over."
 6. "Income" means the profits or gain (whether ascertained "Income" and capable of computation as being wages, salary or other fixed amount or unascertained as being fees or emoluments or profits from a trade or commercial or financial or other business or calling) directly or indirectly received by a person from any office or employment or from any profession or calling or from any trade, manufacture or business; and includes

the interest, dividends or profits directly or indirectly received from money at interest upon any security or without security or from stocks or from any other investment and also profits or gain from any other source whatever; and in estimating the amount of taxable income of any person the same may be based upon his income for the preceding year.

"Business"

7. "Business" shall include any trade, profession, calling, occupation or employment;

"Special franchise"

8. "Special franchise" shall mean every right, authority or permission to construct, maintain or operate within the city, in, under, above, on or through any highway, road, street, public place or public water within the jurisdiction, any poles, wires, tracks, pipes, conduits, erections, structures or other things for the purposes, bridges, railways, tramways or for the purpose of conducting steam, heat, water, gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water and heat, power, transportation, telegraphic, telephonic or other service;

"Judge"
"Court"
"Supreme court"

9. "Judge" means a judge of the Supreme Court of the North-West Territories; and "Court" or "Supreme Court" means the said Court.

"Land"

10. "Land" includes lands, tenements and hereditaments and any estate or interest therein or right or easement affecting the same and

- (a) Land covered with water;
- (b) Trees and underwood growing upon land;
- (c) Mines, minerals, gas, oil, salt, quarries and fossils in and under land; and
- (d) In case of special franchises but in no other cases, machinery, fixtures, buildings, structures, and other things existing, erecting or placed upon, in, over, under or affixed to land or any highway, road, street, lane or public place or water but not the rolling stock of any railway or street railway.

"Municipality"
"City"

11. "Municipality" or "city" means the city of Edmonton as hereby incorporated;

"Person"

12. "Person" includes a corporation or partnership;

"Resident"

13. "Resident" means a person residing within the limits of the city of Edmonton;

"Revised assessment roll."

14. Last "Revised assessment roll" means the last assessment roll as finally revised by the court of revision notwithstanding the pendency of appeals therefrom; and after the decision of any such appeals the said expression shall mean the said roll with any amendments made thereto on appeal.

"Secretary-treasurer"

15. "Secretary-treasurer" means the secretary-treasurer of the city of Edmonton.

16. "Referred By-Law" means a By-law referred to the vote of the Burgesses and assented to by them as provided in this Ordinance. Referred by-law

17. "Assessor" means the assessor of the city of Edmonton. Assessor

18. "Revised voters' list" means the voters' list of the city or of any ward thereof as finally revised by the Council, with any additions made thereto under the provisions of Title IV, Section 9 of this Act. Revised voters' list

3. Wherever the word "the Ordinance" is used in any section of this Ordinance it shall be understood to relate to the whole Ordinance to which it refers to that section only. "Herein"

4. Where anything is required to be done on a day which falls on any holiday such days such thing may be done on the next judicial day; but nothing in this section contained shall extend or apply to the days fixed by this Ordinance for the nomination or election of candidates for the offices of mayor or aldermen. Computation of time

5. Where forms are prescribed, deviations therefrom not affecting the substance nor calculated to mislead shall not vitiate the same, and forms to the like effect shall suffice. Forms

6. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and make others. Make includes alter, etc.

7. All Ordinances inconsistent with this Ordinance are hereby repealed in so far as they relate to the city of Edmonton; and where any matter or thing is provided for by this Ordinance the provisions of any other Ordinance in relation thereto shall be deemed to be superseded so far as they relate to the said city. Inconsistent ordinances repealed

8. *The Municipal Ordinance* (being chapter 70 of the Consolidated Ordinances of 1898) together with the amendments made thereto in 1899, 1900, 1901, 1902 and 1903 shall no longer apply to the city of Edmonton nor shall any future amendments to the said Ordinance apply to the said city unless it is specially mentioned therein. Municipal Ordinance not to apply

9. *An Ordinance to Incorporate the Town of Edmonton* being chapter 7 of the Ordinances of 1891-2) together with the amendments made thereto are hereby repealed; but this Ordinance shall not be deemed to repeal or affect Ordinance No. 35 of 1900 printed as amended as Schedule A to this Ordinance. Ordinance 35 of 1900 continued in force

(2) The said Ordinance No. 35 of 1900 with the amendments thereto shall apply to the city of Edmonton; but the references in the said Ordinance to *The Municipal Ordinance* shall be read as far as may be as references to this Ordinance; and the

ratepayers whose assent is thereby required to certain by-laws thereby provided for shall be the burgesses of the city of Edmonton; and nothing therein contained shall restrict the powers or authority of the city as hereby conferred.

TITLE II.

INCORPORATION: ANNEXATIONS: WARDS.

1. The inhabitants of the locality described as follows, that is to say:

Boundaries

Commencing at the intersection of Rat creek with the Saskatchewan river on lot 26 of the Edmonton settlement according to the Dominion Government plan of survey thereof; thence following the sinuosities of Rat Creek aforesaid to the westerly side of the road allowance between lots 22 and 24 according to the said plan; thence due north along the said westerly boundary to the northerly boundary of the said river lot 22; thence west in a direct line to the north-west angle of section 7 in township 53 range 24 west of the fourth meridian; thence south along the westerly boundary of said section 7 and section 6 to the northerly boundary of river lot 2 according to said plan of the Edmonton settlement; thence south along the easterly boundary of Park street (being the production of the line last described) as shewn upon a plan of subdivision of part of said river lot 2 recorded in the Land Titles office of the Northern Alberta land registration district as plan 22a to the point where the said line intersects the creek on the said river lot 2; thence southerly following the sinuosities of the creek to the Saskatchewan river; thence due south to the centre of the bed of the river; thence easterly and following the sinuosities of the center of the bed of the river to a point due south of the point of commencement; thence due north to the point of commencement; and such persons as shall hereafter become inhabitants of the said locality are hereby declared to be a municipal corporation under the name of "The City of Edmonton."

Provided that the portion of the said locality lying north of the present boundaries of the town of Edmonton shall not be subject to taxation for general municipal purposes during the years 1905 and 1906.

Powers of council

2. The powers of the said corporation shall be exercised by the council of the city subject to the provisions herein contained as to commissioners.

Council a continuing body

(2) The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year may take up and carry on to completion all proceedings commenced but not completed by the last year's council.

3. Until a new council is elected under this Ordinance the head and members of the council of the existing town of Edmonton shall be deemed and taken for all purposes to be the head and members of the council of the corporation hereby created and until altered under the authority of this Ordinance all by-laws, contracts, property, assets, rights and liabilities of the existing town of Edmonton shall be deemed and taken for all purposes to be the by-laws, contracts, property, assets, rights and liabilities of the city of Edmonton.

4. The Council may at any time and from time to time by a referred by-law provide that the City shall be divided into several delineated wards, and provide that, of the aldermen to be elected, a number not exceeding six shall be elected from each ward and shall provide for the retirement of one or more at the expiration of one year and the remainder at the expiration of two years; or for the retirement of all either at the expiration of one year or two years; provided that the number of wards and the number of aldermen to be elected from each ward shall be such that the total number of aldermen to be elected shall be an even number. Such by-Law shall take effect so as to be applicable to the then next ensuing election and the aldermen then in office shall hold office only until the new Council so elected meets as hereinafter provided notwithstanding the term of office for which they were elected shall not have elapsed."

5 6 and 7. Repealed.

8. Whenever two-thirds of the inhabitants of any territory adjacent to the city desire annexation thereto they may present a petition to the council to that effect and (if the council agrees) the said territory may be made part of the city by proclamation of the Lieutenant Governor in Council on such date and on such terms and conditions as the Lieutenant Governor in Council may think fit.

TITLE III.

COUNCIL.

1. The council of the city shall consist of the mayor who shall be at the head thereof and of such number of aldermen not less than eight nor more than twenty as the Council by By-Law shall determine.

2. Of the eight Aldermen elected at the municipal elections to be held in December, 1904, the four receiving the highest number of votes shall hold office for two years and the others for one year; and thereafter only four aldermen shall be elected

annually and shall hold office for two years, provided that if the number of aldermen be hereafter increased those who constituting one-half of the additional number of aldermen received individually the highest number of votes shall hold office for two years and the remaining half for one year.

Mayor

3. The mayor shall be elected annually by a general vote of the electors of the city in the manner hereinafter provided.

Persons
eligible for
election

4. No person shall be eligible for election as mayor or alderman unless he is a natural born or naturalized subject of His Majesty, is a male of the full age of twenty-one years, is able to read and write, is not subject to any disqualification under this Ordinance, is resident within the city or within two miles of the limits of the city and is at the time of the election the owner of a freehold estate of the value of \$500.00 rated in his own name on the last revised assessment roll of the city.

Persons
disqualified
for election

5. No judge of any Court of civil jurisdiction, sheriff, no goaler or keeper of any house of correction, no constable, assessor, secretary-treasurer, auditor or other paid official of the city, no bailiff, no inspector of licences, no person having by himself or his partner an interest in any contract with or on behalf of the city or being indebted to the city, no surety for an officer or an employee of the city, and no person who has been convicted of treason or felony shall be qualified to be a member of the council.

Exceptions

6. No person shall be disqualified from being elected a member of the council by reason of his being a shareholder in any incorporated company having dealings or contracts with the city or by his having a lease of any property from the city; but no such leaseholder shall vote in the council on any question affecting any lease from the city and no such shareholder on any question affecting the company.

TITLE IV.

VOTERS' LIST.

Voters

1. The persons qualified to vote at elections shall be the men, unmarried women and widows of the full age of 21 years and whose names appear upon the last revised voters' list.

Voters' lists

2. The assessor shall on or before the 1st day of September in each year prepare a voters' list in alphabetical form. He shall prepare thereon the names of all men, unmarried women and widows of the full age of 21 years, who are assessed upon the last revised assessment roll for \$200.00 or upwards, and also the names of the husbands, if of the full age of 21 years,

of married women who are assessed upon the last revised assessment roll for \$200.00 and upwards who authorize, in writing, their husbands' names to be placed upon the list, and the names of all persons whose names appear on the householders' tax list hereinafter provided for and the assessor shall indicate on the said list the names of all burgesses and the number of votes to which, in voting upon referred by-laws they are respectively entitled; and the assessor shall cause such voters' list to be printed with the next following three sections hereof prefixed thereto. Copies thereof shall be posted up in the office of the secretary-treasurer and in three other conspicuous and public places in the city on or before the 15th day of September; and notice of such posting shall be published once in each week for three successive weeks in a newspaper published in the city.

3. Any person who has been resident in the city in the then current year prior to the first day of July and continuously since and who is otherwise duly qualified but whose name does not appear on the voters' list or who or whose wife by error is not assessed on the roll high enough to qualify him as a voter or whose name or whose wife's name is put down in error or whose name or whose wife's name has been omitted from the last revised assessment roll may either by himself or his agent apply to have the voters' list amended upon giving to the assessor a notice in the following form:

Alterations in
Voters' list

Additions to

To the Assessor of the city of Edmonton.

Take notice that I intend to apply to the council to have my name added to the voters' list (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*):

(Signature of Appellant),

Appellant.

Or

(Signature of Appellant),

Appellant by his agent.

(Signature of Agent.)

4. If any person who was qualified as a voter on income has left the city or if before the first day of October in the then current year a person (or in the case of a married man his wife) has disposed of the property for which he was qualified as a voter or if any person's name is wrongfully put down he shall be disqualified as a voter and any elector may apply to the council to have the name of the person so or otherwise disqualified struck off the voters' list and the name of the proper person if any substituted therefor. The person so applying shall give six clear days' notice to the assessor of his intention of applying to the council for that purpose as provided in the preceding section.

Removals
from or
substitutions
on

Notice

5. Notices served upon the assessor under the two preceding sections shall be served on or before the first day of November.

List of applicants

6. On or before the fifth day of November the assessor shall make a list of all applicants for amendments to the voters' list stating names and grounds of each of such applications; and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications.

Court of revision

7. On or before the fifteenth day of November in each year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications of which notice has been given to the assessor as hereinbefore provided; and the assessor shall thereupon amend the voters' list in all cases provided for by sections 3 and 4 of this title as may be right, and the list so amended shall be the voters' list of the city for the ensuing year or until a new voters' list has been finally revised; and forthwith thereafter, if the elections are to be from wards, the assessor shall prepare a list of the electors entitled to vote in each ward designating thereon those not entitled to vote for mayor in each ward. An elector shall be entitled to vote (except for mayor) once in each ward in which is situate any land or business in respect of which he is assessed and once in the ward in which he resides, if he is assessed in respect of income or a special franchise, and shall be entitled to vote for mayor in the ward in which he resides and not elsewhere.

Procedure, etc.

8. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the council when sitting at a final court of revision on the voters' list as aforesaid shall have the powers and privileges conferred by this Ordinance upon the council in relation to the assessment roll.

9. Repealed.

10. The deputy returning officer in charge of any polling place shall, while the poll is open, if required by any person whose name is not on the revised voters' list, administer to such person the following oath, and such oath having been taken the deputy returning officer shall at once cause such person's name to be added to the voters' list, with the word "sworn" written thereafter:

OATH

"You do swear that you were a resident in the city prior to the first day of July of the present year, and are assessed on the last revised assessment roll for \$200 or upwards, and that you are entitled to have your name placed in the revised voters' list of the city for the present year (and, if the elections

re to be from wards, upon the list of electors for this ward
s an elector entitled to vote for aldermen or for aldermen and
naylor, as the case may be). So help you God."

TITLE V.

ELECTIONS: GENERAL PROVISIONS.

1. The council shall at least one week prior to the last Monday ^{Returning} in November in each year by bylaw appoint a returning officer ^{officer, etc} or the next municipal elections and also a deputy returning officer or, if the city be divided into wards, a deputy returning officer for each ward; and shall, if deemed expedient, divide the city or any ward or wards into polling subdivisions, in which case the council shall appoint an assistant deputy returning officer for each polling subdivision, and name the place or places therein where the votes are to be polled.

2. The returning officer shall at least six days previous to ^{Notice} the first Monday in December post up in ten conspicuous places in the city a notice in the following form:

NOTICE.

City of Edmonton—Municipal Elections, 1904.

Public notice is hereby given that a meeting of the electors of the city of Edmonton will be held (*description of place*) (*on day of the week*) the *day of December, 19*, (*here fill in the date on which the first Monday in November falls*), from eleven a.m. until noon, for the purpose of nominating candidates for the offices of mayor of the city and an alderman (*or aldermen*) for each ward for the next ensuing year.

Given under my hand at Edmonton, this
day of

G.H.,
Returning Officer.

3. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified person to serve as mayor or alderman of the city; and the meeting shall remain open until noon when if the number of persons nominated to serve as mayor and aldermen does not exceed the requisite number the returning officer shall declare the persons so nominated duly elected.

Consent of
nominee

4. Every nomination for mayor or alderman shall be accompanied by a written consent from the person named in each nomination to accept the office if elected.

Poll

5. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time (which shall be on the same day of the week as the nomination but in the next following week) the place or places where the votes are to be polled and the deputy returning officer and the assistant deputy returning officers (if any) appointed to receive the same; and also the time and place at which the result of the polling will be declared.

Notice of poll

6. Whenever a poll has to be taken the returning officer shall without any unreasonable delay after the nomination, cause to be posted up in at least ten conspicuous places within the city a notice in the following form:

NOTICE.

City of Edmonton—Municipal Elections, 1904.

Public notice is hereby given that a poll has been granted for the election of mayor of the city of Edmonton and of an alderman for ward No. 3 (*or as the case may be*) for the year 1905 and that the polling will take place on (*here insert date of polling*) the _____ day of _____ 1904, from nine a.m. till five p.m., at the following places: (*Here specify polling places.*)

And that I will at (*describe the place*), on (*day of the week*), the _____ day of _____, 1904, at _____ o'clock a.m. sum up the votes and declare the result of the election.

Given under my hand at Edmonton this _____ day of _____, 1904

G.H.,
Returning Officer.

Withdrawal

7. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer or deputy returning officer (as the case may be) a declaration in writing to that effect signed by himself in the presence of the returning officer or deputy returning officer, a justice of the peace or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

Abandonment
of poll on
sufficient
number of
withdrawals

8. If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Ordinance to be elected for such office the polling for such office shall not

take place; and the returning officer shall forthwith post up in ten conspicuous places in the city a notice to the following effect:

NOTICE.

City of Edmonton—Municipal Elections, 1904.

Whereas, Mr. _____ nominated for the office of alderman for ward No. _____ has withdrawn his candidature for the said office, leaving Mr. _____ the only candidate therefor, I hereby give notice that no voting for the said office will take place on the _____ day of (date of polling).

Dated under my hand at _____ this _____ day of _____, 1904 .

G.H.,
Returning Officer.

9. In case of a poll at a municipal election the votes shall ^{Vote by ballot} be given by ballot.

10. Where a poll is required the secretary-treasurer shall ^{Ballot boxes} procure as many ballot boxes as appear to be required.

11. The ballot boxes shall be made of some durable material, ^{Their construction} shall be provided with a lock and key and shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box be unlocked.

12. When it becomes necessary for the purposes of an elec- ^{Their distribution} tion to use the ballot boxes it shall be the duty of the secretary-treasurer to deliver the same to the returning officer who shall at least two days before the polling day deliver a sufficient number of ballot boxes to every deputy returning officer (or assistant deputy returning officer) appointed for the purposes of the election.

13. Where a poll is required the returning officer shall forth- ^{Printed ballots} with cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the election.

(2) Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames; or (if there are two or more candidates with the same surname) in the order of their names.

14. The names of the candidates for mayor shall not be ^{Their consent} included in the same ballot with the names of the candidates for aldermen; but one kind or set of ballot papers shall be prepared for all the wards containing the names of the candi-

dates for mayor; and another kind or set shall be prepared for each ward containing the names of candidates for aldermen in the ward:

Provided that until a ward system is established the names of the mayor and aldermen may be included in the same ballot:

Form of ballot

15. The ballot papers shall be in the following forms:

FORM FOR MAYOR.

Election for the members of the council of the city of Edmonton for 1905.	FOR MAYOR.	ALLAN. CHARLES ALLAN, of the city of Edmonton, Merchant.
		BROWN. WILLIAM BROWN, of the city of Edmonton, Banker.

FORM FOR ALDERMAN.

Election for the members of the council of the city of Edmonton for 1905.	FOR ALDERMAN	ARGO. JAMES ARGO, of the city of Edmonton, Gentleman.
		BAKER. SAMUEL BAKER, of the city of Edmonton, Baker.
		DUNCAN. ROBERT DUNCAN, of the city of Edmonton, Printer.

Supplies to
deputy
returning
officers

16. Before the opening of the poll the returning officer shall deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the ward for which such deputy returning officer has been appointed to act and such other materials as are necessary in order to enable the electors to mark their ballot papers; and such ballot papers and other materials shall be delivered by the deputy returning officer of the ward to his assistant deputy returning officers if any have been appointed.

17. The returning officer shall before the opening of the poll deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters in voting as he may deem sufficient. Directions for voters

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

DIRECTIONS.

For the guidance of voters in voting.

The voter will go into one of the compartments and with the pencil provided in the compartment place a cross thus X on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the deputy returning officer (or assistant deputy returning officer as the case may be) signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballots so folded to the deputy returning officer (or assistant deputy returning officer as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the deputy returning officer (or assistant deputy returning officer as the case may be) who will if satisfied of such inadvertence give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for his ballot paper will be void as far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following forms of ballot paper given for illustration the candidates are for mayor Jacob Thompson and Robert Walker, for aldermen John Bull and Morgan Jones and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for alderman.

Election for the members of the council of the city of Edmonton for 1905.,	FOR MAYOR.	THOMPSON. Jacob Thompson, of the city of Edmonton, Merchant. X
		WALKER. Robert Walker, of the city of Edmonton, Physician.
Election for the members of the council of the city of Edmonton for 1905.	FOR ALDERMAN	BULL. John Bull, of the city of Edmonton, Butcher. X
		JONES. Morgan Jones, of the city of Edmonton, Grocer.

Posting up of
directions

18. Every deputy returning officer (or assistant deputy returning officer) shall before the opening of the poll or immediately after he has received the printed directions from the returning officer (if he did not receive the same before the opening of the poll) cause the said printed directions to be placarded outside the polling place for which he is appointed to act and also in every voting compartment of the polling place and shall see that they remain so placarded until the close of the polling.

Voting
compartments

19. Every polling place shall be furnished with a compartment or compartments in which the voters can mark their votes screened from observation and it shall be the duty of the returning officer to see that a proper compartment or compartments for that purpose is provided at each polling place.

Copy of voters'
list

20. The returning officer shall before the poll is opened deliver to every deputy returning officer and assistant deputy—returning officer a copy certified by the Secretary-Treasurer to be a correct copy of the voters' list for the ward or polling subdivision for which such deputy returning officer or assistant deputy returning officer is to act and a blank poll book in which to record the names and qualifications of the electors who vote.

21. The poll book shall be in the following form:

Poll book

Remarks		
Refused to swear		
Sworn		
Objected to		
Voted for	School trustee	
	Alderman	
	Mayor	
Legal addition		
Residence		
Qualifications.		
Name		

22. The secretary-treasurer on the request of any elector who has been appointed deputy returning officer or assistant deputy returning officer or poll clerk or constable or as agent of a candidate to attend any polling place other than the one where he is entitled to vote shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Certificate to
persons
attending
other than
their own poll.

Rights on
production of
certificate

23. On the production of the certificate the deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent shall have the right to vote at the polling place where he is stationed during the polling day instead of the polling place where he would otherwise have been entitled to vote; and the deputy returning officer (or assistant deputy returning officer) shall attach the certificate to the voters' list but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy returning officer, assistant deputy returning officer, poll clerk, constable or agent during the whole of the day of polling; nor to vote for alderman or aldermen except in the ward where he would otherwise be entitled to vote.

Oath to
certified
persons

24. In case a deputy returning officer (or assistant deputy returning officer) votes at the polling place to which he has been appointed as such the poll clerk appointed to act at the polling place or (in the absence of the poll clerk) any elector authorized to be present may administer to the deputy returning officer (or assistant deputy returning officer) any of the oaths required by law to be taken by voters.

TITLE VI.

ELECTIONS: PROCEDURE.

Interpretation

1. In this title the deputy returning officer (or assistant deputy returning officer) acting as such at any polling place at a municipal election is referred to "as the officer presiding at the poll."

Poll clerk

2. The officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint such number of poll clerks as he shall deem necessary who in the absence of the deputy returning officer (or assistant deputy returning officer) or in case of his illness or inability to fulfil the duties required of him by this Ordinance shall have the powers of the officer by whom he was appointed.

Constables

(2) The deputy returning officer (or assistant deputy returning officer) may also appoint a constable to maintain order at the polling place, or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Ordinance.

Oath

3. Every returning officer, deputy returning officer, assistant-deputy returning officer, poll clerk, constable, candidate or

agent authorized to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the secretary-treasurer or (in the case of a poll clerk or constable or agent) before the deputy returning officer or assistant deputy returning officer at whose polling place he is appointed to act an oath in form following:

"I, A.B., do swear that I will not at any time disclose to anyone the name of any person who has voted at the election to be held in the city of Edmonton on the day of A.D. ; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted. So help me God."

4. The polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day. Duration of poll

5. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer. Agents

6. Every elector may vote once only for mayor.

One vote for mayor

7. Every elector may vote for alderman (or aldermen) once in each ward if his name (or a name intended for his) appears upon the voters' list for the ward but not otherwise; and where an elector is entitled to vote for aldermen in more than one ward the secretary-treasurer shall having regard to the elector's request, if any, determine one ward in which only he may vote for mayor. Vote in each ward for alderman.

8. Any person who votes more often than he is entitled to do under the provisions of this Ordinance shall incur a penalty of \$50. Penalty

9. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. Evidence of voting

10. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling. Exhibition of ballot box

Procedure in
voting

11. Where a person claiming to be entitled to vote presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows:

(1) He shall ascertain that the name of such person (or a name apparently intended therefor) is entered upon the voters' list for the ward or polling subdivision for which the said officer is appointed to act.

(2) He shall record (or cause to be recorded by the poll clerk) in the proper columns of the poll book the name, qualification, residence and legal addition of such person.

(3) Where the vote is objected to by any candidate or his agent the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to", noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate.

(4) If the voter asks to be sworn the returning officer shall administer to him the following oath:

You swear (or solemnly affirm) that you are the person named (or intended to be named by the name of _____) in the voters' list now shown to you (*showing the list of the voter*);

That you have not voted before at this election, either at this or any other polling place in this ward and (*if the elector is tendering his vote for mayor*) that you have not voted before or elsewhere for mayor at this election;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any for the vote which you tender at this election;

That you have not received any thing nor has anything been promised you, either directly, or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other services connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election;

So help you God.

(5) If the voter takes any one of the said oaths the officer presiding at the poll shall receive the vote and shall enter (or cause to be entered) opposite such person's name in the proper column of the said poll book the word "*Sworn,*" or "*Affirmed,*" according to the fact.

(6) Where the voter has been required to take oath or affirmation and refuses to take the same the officer presiding at the poll shall enter (or cause to be entered) opposite the name of such voter in the proper column of the poll book the words "*Refused to Swear*" or "*Refused to Affirm*" according

to the fact and the vote of such person shall not be taken or received; and if the deputy returning officer or assistant deputy returning officer takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100.

(7) When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper.

(8) Except in the case mentioned in subsection 6 the ballot paper shall then be delivered to the voter.

12. The officer presiding at the poll may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting. Explanation to voter

13. Every deputy returning officer (or assistant deputy returning officer) who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by subsection 7 of section 11 of this title shall forfeit to any person aggrieved by such refusal or omission, the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the said deputy returning officer (or assistant deputy returning officer) has not signed his initials as aforesaid. Breach of duty by presiding officers

14. The officer presiding at the poll shall place in the columns of the poll book headed "mayor," "alderman" and "school trustee" (as the case may be) his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor, alderman or school trustee as the case may be. Initialing poll book

15. Upon receiving from the officer presiding at the poll the ballot paper prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in section 17 of Title V of this Ordinance by placing a cross—thus X—on the right-hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidate. He shall then fold the ballot paper across so as to conceal the names of the candidates and the marks upon the face of the paper and so as to expose the initials of the said officer and leaving the compartment shall without delay and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper deliver the ballot paper so Marking of ballot

folded to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

Secrecy
of vote

16. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Ballot received
but not used

17. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for "remarks," to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote as the case may be; and in the latter case the said officer shall immediately write the word "*declined*" upon such ballot paper and shall preserve the same.

Inability, etc.
to mark ballot

18. In the case of an application by a person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper or in the case of a person claiming to be entitled to vote who makes a declaration that he is unable to read or (where the voting is on a Saturday) that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 15 of this title the proceedings shall be as follows:

1. The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box;

2. The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked.

3. The declaration aforesaid may be in the following form:

I, A.B., of _____, being numbered _____ on the voters' list for polling subdivision No. _____ in ward No. _____ of the city of Edmonton, _____ being a duly qualified elector of the said city of Edmonton, do hereby declare that I am unable to read (or that I am from physical incapacity unable

to mark a voting paper, *or*, that I object on religious grounds to mark a ballot paper, *as the case may be*).

A.B. his (X) mark.

Dated this day of A.D. 19 ;

4. In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the officer presiding at the poll who shall attest the same according to the following form:

I, C.D., the undersigned, being the deputy returning officer (*or* assistant deputy returning officer) for ward No. (*or* polling subdivision No. in ward No.) of the city of Edmonton, do hereby certify that the above (*or as the case may be*) declaration having been first read to the above named A.B., was signed by him in my presence with his mark (*or in the case of one who objects on religious grounds to mark a ballot paper*) was orally made before me.

(Signed)

C.D.

Deputy Returning Officer,
(*or* Assistant Deputy Returning Officer,).

Dated this day of A.D. 19 ;

19. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivery to the officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "*Cancelled*" upon the ballot paper so delivered to him; and he shall preserve the same till he makes his return under section 31 of this title. Ballot spoiled before using

20. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place and the voter who is for the time being actually engaged in voting. Persons entitled to be in polling place

21. In every polling place the officer presiding at the poll shall immediately after the closing of the poll in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present open the ballot box and proceed to count the votes as follows: Procedure on close of poll

He shall examine the ballot papers and any ballot paper which has not on its back his initials or on which more votes are given than the elector is entitled to give or on which anything except the initials of the said officer on the back is written

or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for that office but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

Objections to
be noted

22. The officer presiding at the poll shall take a note of any objection made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

Ballot to be
numbered and
initialed

23. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialed by the officer presiding at the poll.

Ballot to be
endorsed

24. The officer presiding at the poll shall indorse "*rejected*" on any ballot paper which he rejects as invalid and shall indorse "*rejection objected to*" if any objection is made to his decision.

Count

25. The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) Name or number of ward or polling subdivision and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

Signed
statement

26. Upon the completion of the written statement it shall be signed by the officer presiding at the poll, the poll clerk (if any) and such of the candidates or their agents as are present and desire to sign such statement.

Agents at
count

27. Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes.

Certificates of
count

28. Every officer presiding at a poll upon being requested so to do shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers.

29. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside; and shall at the completion of the counting of votes in the presence of the candidates (or agents of the candidates) make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding at the poll and of the ward or polling subdivision.

Certificate on
poll book and
sealing up of
packages

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the polls under section 18 of this title with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box.

30. Before returning the voters' list and poll book to the returning officer the officer presiding at the poll shall make and subscribe before a justice of the peace or before the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made; which declaration may be in the following form:

Deputy's oath
on return

I, C.D., the undersigned deputy returning officer (or assistant deputy returning officer for ward No. _____ (or for polling subdivision No. _____ of ward No. _____) of the city of Edmonton, do solemnly swear (or if he is a person permitted by law to affirm do solemnly affirm) that to the best of my knowledge the annexed voters' list and poll book used in and for the said ward (or polling subdivision) at the election held on the _____ day of December, 19____, were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(Signed) C.D.

Deputy Returning Officer,

(or Assistant Deputy Returning Officer.)

Sworn (or affirmed) before me at _____, this _____ day of _____, A.D. 19____.

(Signed) _____ K.Y.,

Justice of the Peace (or as the case may be)

and shall thereafter be annexed to the voters' list and such voters' list, poll book and declaration may be inspected at any time in the presence of the secretary-treasurer by any elector.

Delivery to
returning
officer

31. The deputy returning officer (or assistant deputy returning officer) shall forthwith deliver such packets personally to the returning officer; and if owing to illness or other cause he is unable to do so he shall deliver such packets to a person chosen by him for the purpose; and shall write on the outside of the cover of each of the packets the name of the person to whom the same has been so delivered and shall take a proper receipt therefor. He shall also forthwith return the ballot box to the returning officer.

Ballot paper
account

32. The packets shall be accompanied by a statement made by the deputy returning officer (or assistant deputy returning officer) showing the number of ballot papers entrusted to him and accounting for them under the heads of

1. Counted;
2. Rejected;
3. Unused;
4. Spoiled;
5. Ballot papers given to voters who afterwards returned the same declining to vote; and
6. Ballot papers taken from the polling place which statement shall give the number of papers under each head and is in this Ordinance referred to as "The Ballot Paper Account."

Summary by
returning
officer of
result

33. The returning officer after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place shall without opening any of the sealed packets of ballot papers cast up from the statements the number of votes for each candidate, and shall at the city hall or at some other public place at noon on the day following the return of such ballot papers and statements publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also put up in some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

Returning
officer's
casting vote

34. In case it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer whether otherwise qualified or not shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

And no other

35. Except in such case no returning officer shall vote at any election.

36. All deputy returning officers, assistant deputy returning officers, poll clerks and constables shall if otherwise qualified be entitled to vote. Other officials not disqualified

37. The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly. Assumption of office

38. Forthwith after the election the returning officer shall deliver to the secretary-treasurer the ballot boxes, packets and returns aforesaid and the secretary-treasurer shall thereafter be responsible for their safe keeping and for their delivery when required. Return by returning officer to secretary-treasurer

39. The secretary-treasurer shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be destroyed in the presence of two witnesses whose affidavit that they have witnessed the destruction of the said papers shall be taken before the mayor or a justice of the peace and filed by the secretary-treasurer among the records of the city. Destruction of ballots

40. No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer except under order of a judge to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under this Ordinance to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary-treasurer. Inspection

41. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge thinks expedient. Order for

42. In case at any time within fourteen days from the time when the ballot papers used at any election have been received by the secretary-treasurer it is on the affidavit of a credible person made to appear to a judge that a deputy returning officer (or assistant deputy returning officer) in counting the votes given at any election has improperly counted or rejected any ballot papers the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same. Recount

43. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as security for the payment of costs and expenses and the said

sum shall not be paid out by the clerk without the order of the judge.

Attendance

44. The judge, the secretary-treasurer with the ballot boxes and each candidate and his agent notified to attend the recount of votes and representatives of the press and no other person (except with the sanction of the judge) shall be entitled to be present at the recount of the votes.

Procedure
opening of
packets

45. At the time and place appointed the judge shall proceed to recount all the ballot papers received by the secretary-treasurer from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to but which have been counted by the deputy returning officer (or assistant deputy returning officer); (c) the rejected ballot papers; (d) the spoiled ballot papers; and (e) the unused ballot papers. In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

Time

46. The judge shall as far as practicable proceed continuously with the recount of the votes allowing only time for refreshment excluding only Sundays and on other days (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

Mode of
counting

47. The judge shall proceed to recount the votes as follows:

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given for more candidates than are to be elected for the office in question or on which anything except the initials of the deputy returning officer (or assistant deputy returning officer) on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt by the voter so that he can thereby be identified shall be void and shall not be counted. A ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for that office but shall be good as regards the votes for any other office in respect to which the voter has not voted for more candidates than he is entitled to vote for; but no word or mark written or made or omitted to

be written or made by the deputy returning officer (or assistant deputy returning officer) on a ballot paper shall affect the vote.

3. The judge shall take note of any objection made by a candidate or by his agent to any ballot paper and shall decide any question arising out of the objection; and the decision of the judge shall be final.

4. The judge shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a written statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

- (a) Names of the candidates;
- (b) Number of votes for each candidate;
- (c) Ballot papers wanting initials of deputy returning officer (or assistant deputy returning officer);
- (d) Ballot papers rejected as marked for more candidates than were to be elected.
- (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty.

(2) Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the secretary-treasurer who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the secretary-treasurer shall have the casting vote.

(3) Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions herein contained by proceedings in the nature of *quo warranto* or otherwise.

48. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine, regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

(2) The costs shall be on the supreme court scale and may (if the judge so orders) be taxed in the same manner and

according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the nonpayment thereof.

Penalties

49. No person shall—

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
- (e) Apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; (but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies); or
- (f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person to imprisonment for a term not exceeding six months with or without hard labour.

Penalties

50. Every returning officer, deputy returning officer, assistant deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of sections 2 to 49 inclusive of this title shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

Penalties

51. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the peace to imprisonment for any term not exceeding six months with or without hard labour.

52. No person who has voted at an election shall in any legal proceeding to question the election or return or otherwise relating thereto be required to state for whom he has voted. Secrecy of vote

53. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Ordinance authorized to attend; but no candidate shall be present at the marking of a ballot for a voter under section 18 of this title. Candidate acting on his own behalf

54. When in this title expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates such expressions shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the nonattendance of any agent at such time and place shall not invalidate it. Candidates and agents

55. No election shall be declared invalid by reason of noncompliance with the provisions of this Ordinance as to the holding of the poll or the counting of the votes or by reason of a mistake in the use of any of the forms contained in this Ordinance or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the a Errors not affecting result

election was conducted in accordance with the principles laid down in this Ordinance and that such noncompliance, mistake or irregularity did not affect the result of the election.

Expenses

56. All reasonable expenses incurred at any election under this Ordinance shall be paid by the secretary-treasurer out of the funds of the city upon the production to him of proper accounts verified in such manner as the council may direct.

TITLE VII.

SCHOOL TRUSTEES.

Notice from board

1. The board of public and separate school trustees of the city of Edmonton shall give notice to the secretary-treasurer on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the school boards complete.

Nomination and election

2. When notice has been given to the secretary-treasurer as provided in the next preceding section the nomination and election of school trustees shall be held at the same time and place and by the same officers and shall be conducted in the same manner as the nomination and election of mayor and aldermen.

Same procedure as for aldermen

3. All the provisions in this Ordinance contained respecting the election and qualification of aldermen and the qualifications of electors shall *mutatis mutandis* apply to the election of school trustees.

Separate school supporters

4. In the lists of qualified voters to be delivered to the returning officer by the secretary-treasurer before the opening of the polls the secretary-treasurer shall place opposite the names of any persons on the said list who are assessed on the last revised assessment roll as supporters of separate schools the letters "S.S.S."; and no deputy returning officer or assistant deputy returning officer shall deliver to any such person a ballot paper for the public school trustees.

Oath

5. In case any objection is made to the right of any person to vote at any election of school trustees the officer presiding at the poll shall require the person whose right of voting is objected to to take the oaths required by section 11 of Title VI.

Form of ballot

6. A separate set of ballot papers shall be prepared by the returning officer at each election containing the names of the candidates nominated for school trustees in the same form as those used for the election of aldermen except that the words "public (or separate) school trustee" shall be substituted for the word "alderman" thereon.

TITLE VIII.

CORRUPT PRACTICES.

1. The following persons shall be deemed guilty of bribery ^{Bribery} and shall be punishable accordingly—

1. Every person who directly or indirectly by himself or by any other person on his behalf gives, lends or agrees to give or lend or offers or promises money or valuable consideration or gives or procures or agrees to give or procure or offers or promises any office, place or employment to or for any elector or to or for any person in order to induce any elector or to or for any person in order to induce any elector to vote or to refrain from voting at an election or in order to induce any burgess to vote or refrain from voting upon a bylaw for raising money or creating a debt or who corruptly does any such act as aforesaid on account of such elector or burgess having voted or having refrained from voting at such election or upon such bylaw:

2. Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or defeat or endeavour to procure or defeat the return of any person to serve in the council or to procure or defeat the passing of any bylaw as aforesaid of the vote of any elector at an election or of any burgess at the voting upon any bylaw;

3. Every person who by reason of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure or defeat the return of any person in an election or to procure or defeat the passing of any bylaw as aforesaid or the vote of any elector at an election or the vote of any burgess at the voting upon a bylaw;

4. Every person who advances or pays or causes to be paid money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or at any voting upon any such bylaw as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such bylaw;

5. Every elector or burgess who before or during an election or before or during the voting of any such bylaw directly or indirectly by himself or any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such bylaw;

6. Every person who after any such election or the voting upon any such bylaw directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such bylaw;

7. Every person who hires horses, teams, carriages or other vehicles for the purposes of conveying electors or burgesses to or from the polls and every person who receives pay for the use of any horse, team, carriages or other vehicles for the purpose of conveying electors or burgesses to or from any poll as aforesaid.

Threats, etc.

2. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm or loss or in any manner practices intimidation upon or against any person in order to induce or compel any such person to vote or refrain from voting at any election or at the voting upon any bylaw or on account of any such person having voted or refrained from voting thereat or who by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector or burgess or thereby compels, induces or prevails upon an elector or burgess to give or refrain from giving his vote at any election or at the vote upon any bylaw shall be deemed to have committed the offence of undue influence and shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any by law for the next succeeding two years.

Personal expenses

3. The actual personal expenses of a candidate, his expenses for actual professional services performed and all *bona fide* payment for the fair cost of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Ordinance.

Evidence on
quo warranto

4. Where upon a motion in the nature of a *quo warranto* a question is raised as to whether the candidate or any voter has been guilty of any violation of section 1 or section 2 of this title affidavit evidence shall not be used to prove the offence but it shall be proved by *viva voce* evidence.

Forfeiture and
disqualification

5. Any candidate elected at an election who is found guilty by a judge upon the hearing of a motion in the nature of a *quo warranto* of any act of bribery or of using undue influence as aforesaid, shall forfeit his seat and shall be ineligible as a candidate at any election for four years thereafter.

6. Any person who is adjudged guilty of any offence within the meaning of section 1 or section 2 of this title shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any bylaw for the next succeeding two years. Disqualification

7. The money penalty imposed by the preceding section shall be recoverable with full costs of suit (Class A) by any person who sues for the same in the Supreme Court and any person against whom such judgment is rendered shall be ineligible either as a candidate or an elector until the amount so recovered against him has been fully paid and satisfied. Recovery of penalty

8. The judge may direct that in default of payment of the said penalty and costs within the time fixed by the judge the offender shall be imprisoned for such period not exceeding thirty days as is directed by the said judgment and in case of such default of payment the judge may issue a warrant for the arrest and imprisonment of the offender in accordance with the said judgment until the penalty and costs are fully paid or for such other period as the order may direct. Imprisonment

9. The judge who finds any candidate guilty of a contravention of section 1 or section 2 of this title or who condemns any person to pay any penalty imposed under section 6 or section 7 of this title shall report the same forthwith to the secretary-treasurer. Report of liability to penalty

10. The secretary-treasurer shall enter in a book to be kept for the purpose the names of all persons who have been so adjudged guilty of any offence within the meaning of section 1 or section 2 of this title and whose names have been reported to him by the judge aforesaid. Record of disqualified persons

11. Every witness shall be bound to attend before the judge upon being served with the order of the judge directing his attendance and upon payment of the necessary witness fees and conduct money as if he had been directed by a subpoena to attend and in default thereof he may be punished for contempt and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena. Witnesses

12. No person shall be excused from answering any question put to him upon the hearing of any motion in the nature of a *quo warranto* or in any proceeding touching or concerning any election or the voting upon any bylaw or the conduct of any person in relation thereto on the ground of any privilege or on the ground that the answer to the question will tend to criminate him; but no answer to any such questions shall be used in any proceeding under this Ordinance against such person if the judge gives to him a certificate that he made full and true answers to the satisfaction of the judge. Privilege of witnesses

Limitations

13. All proceedings under this title other than an application in the nature of a *quo warranto* against any person for any violation of section 1 or section 2 of this title shall be commenced within four weeks after the election at which the offence is alleged to have been committed or within four weeks after the day of the voting upon a bylaw as aforesaid.

Exemption

14. No pecuniary penalty or forfeiture imposed by the Ordinance shall be recoverable for any act of bribery or corrupt practice at an election or at the voting upon a bylaw if it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted another person or persons or any of them for the said act; but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged and was in fact the principle offender.

Information to
deputy
returning
officer

15. The secretary-treasurer shall prior to every election or the voting upon any bylaw furnish every deputy returning officer and assistant deputy returning officer with at least two copies of the sections of this title numbered from 1 to 14 inclusive; and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and to see that they are kept posted up during the hours of polling.

TITLE IX.

VACANCIES.

Resignation

1. The mayor or any alderman may resign his seat in the council at any time upon written notice to the secretary-treasurer, who shall bring the same to the notice of the council at its next meeting.

2. (Repealed.)Declaration
of vacancy

3. If after the election of any person as a member of the council he is convicted of a felony or becomes insolvent within the meaning of any insolvent act in force in the Territory or applies for relief as an indigent debtor or remains in custody or assigns his property for the benefit of his creditors or absents himself from the meeting of the council for three months without being authorized so to do by a resolution of the council entered upon its minutes his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

(a) If a seat in the council become vacant by death, resignation or otherwise, the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be made in the mode as nearly as may be as other elections under this Ordinance and if the seat in the council of an alderman whose term would not otherwise have expired at the end of the then current year become vacant after the first day of November in any year, then such vacancy may be filled by the election of an extra alderman at the next general election and the person obtaining the next highest number of votes after the regular number of aldermen have been elected shall be the person to fill such vacancy and in such cases every Burgess shall be entitled to vote for one extra candidate for each vacancy to be filled.

Election to
fill vacancy
in Council

4. In the event of a member of the council forfeiting his seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualification or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as hereinafter provided.

Compulsory
resignation

5. In case the validity of the election of the mayor or of an alderman (or his right to hold the seat) is contested the same may be tried by a judge. Any candidate at the election or any elector who gave or tendered his vote thereat or (in case of an election by acclamation or in case the right to sit is contested on the ground that a member of the council has become disqualified or has forfeited his seat since his election) any elector may be the relator for the purpose.

Trial of
contested
election

6. If within six weeks after an election a relator shows by affidavit to a judge reasonable ground for supposing that the election was not legal or was not conducted according to law or that the person declared elected thereat was not duly elected or for contesting the validity of the election of the mayor or of any alderman or in case at any time a relator shows by affidavit to a judge reasonable ground for supposing that a member of the council has forfeited his seat or has become disqualified since his election and has not resigned his seat; the judge may grant his fiat authorizing the relator upon entering into a sufficient recognizance as hereinafter provided to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

Notice of
motion

(2) The recognizance shall be entered into before the judge or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties (to be allowed as sufficient by the judge upon affidavits of justification) each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made (who is herein called "the respondent") any costs which may be adjudged to him against the relator.

(3) When the sufficiency of the said sureties has been determined and the said recognizance had been allowed as sufficient by the judge he shall note or indorse thereon and upon the first allowing service of the notice of motion the words *recognizance allowed* and shall initial the same.

Contents
of notice

7. The notice of motion shall be at least a seven clear day notice and it may either state the return day of the motion or may state that the notice will be made on the eighth day after the day of service of the notice excluding the day of service.

(2) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence and the interest which he has in the election as a candidate or as an elector and shall also state specifically under distinct heads all the grounds of objection to the validity of the election complained against and in favour of the validity of the election of the relator of any other person or persons where the relator claims that he or they or any of them have been duly elected or on the grounds of forfeiture or disqualification of the respondent as the case may be.

Affidavits, etc.

8. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely except where *viva voce* evidence is to be taken. In that case he shall name in his notice the witnesses whom he proposes to examine.

Service

9. The notice shall be served in such manner as the judge shall direct.

Time of
service

10. Service of the notice of motion shall be made within two weeks from the date of the fiat so granted by the judge unless otherwise ordered by the judge.

Claim of seat

11. In case the relator alleges that he himself or some other person has been duly elected the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons.

Combination
of motions

12. In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed with one motion against such persons.

Grounds of
decision

13. Upon the hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged to have been duly elected upon any ground not specified in the notice of motion; but the judge in his decision may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties as may appear in the evidence before him.

14. The judge may require the secretary-treasurer to produce before him such ballot papers, books, voters' and other lists and such records of the election and papers in his hands connected therewith as to the judge may from time to time seem fit. Production of papers
15. The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any person as a party thereto. Returning officer, etc., may be added
16. The judge may allow any person entitled to be a relator to intervene and prosecute or defend and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. Intervention of other parties
17. The judge shall in a summary manner without formal pleadings hear and determine the validity of the election and the right of the respondent to sit; and may inquire into the facts on affidavit or affirmation or by oral testimony. Hearing
18. In case the election complained of is adjudged invalid the judge shall by the judgment order the respondent to be removed and his seat shall *ipso facto* be vacated; and in case the judge determines that any other person was duly elected the judge shall forthwith order such other person to be admitted to the office. Judgment
19. Where an election has been held invalid owing to the improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot papers tendered by duly qualified electors or to give ballot papers to duly qualified electors the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer, deputy returning officer or assistant deputy returning officer. Liability of returning officer, etc.
- (2) Nothing herein contained shall affect any right of action against a returning officer, deputy returning officer, or assistant deputy returning officer or shall be deemed to relieve such returning officer, deputy returning officer or assistant deputy returning officer from any other penalty or punishment to which he may be liable under the provisions of this Ordinance.
20. After the adjudication upon the case an order shall be drawn up in the usual manner, which shall state concisely the ground and effect of the decision which order may be at any time amended by the judge in regard to any matter of form and the order shall have the same force and effect as a writ of mandamus formerly had in like case. Form and effect of order

Return

21. The judge shall immediately after his decision return his order with all things had before him touching the same to the proper office of the court in which the proceedings were commenced there to remain of record as a judgment of the court and as occasion requires the judgment may be enforced in the same manner as an ordinary order of mandamus and (for costs awarded) by writs of execution.

Disclaimer
after motion

22. Any person whose election is complained of (whether such election is complained of on the ground of corrupt practices on the part of such person) or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat may within one week after service on him of a notice of motion as aforesaid transmit post paid through the post office directed to "The Clerk of the Supreme Court of Edmonton," and also to the relator or his advocate or he may cause to be delivered to the said clerk and to the relator and his advocate a disclaimer signed by him in the form or to the effect following.

"I, A.B., upon whom a notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or alderman) of the city of Edmonton, do hereby disclaim the said office and all defence of any right I may have to the same.

"Dated this _____ day of _____

(Signed)

"A.B."

Transmission

23. The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "Disclaimer" and shall be registered at the post office where mailed.

Disclaimer
before motion

24. Where there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the secretary-treasurer a disclaimer signed by him as follows:

"I, A.B., do hereby disclaim all right to the office of mayor (or alderman) for the city of Edmonton and all defence of any right I may have to the same.

"Dated this _____ day of _____

(Signed)

"A.B."

Effect of
disclaimer

25. A disclaimer filed under section 24 of this title shall relieve the person making it from all liability to costs and where a disclaimer has been made in accordance with section 22 or section 24 of this title it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by section 2 of this title.

Transmission

26. Every person disclaiming under section 22 of this title shall deliver a duplicate of his disclaimer to the secretary-treasurer and the secretary-treasurer shall forthwith communicate the same to the council.

27. The procedure in any proceeding under this Ordinance ^{Procedure} shall be that of the Supreme Court in like cases so far as the time is applicable.

TITLE X.

MEETING OF COUNCIL.

1. The first meeting of the council in each year shall be held ^{First meeting} on the first Monday in January except when that Monday is a public holiday in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets.

2. A majority of the whole council shall be necessary to ^{Quorum} form a quorum.

3. The council shall hold its ordinary meetings openly and ^{Conduct of meetings.} no person shall be excluded except for improper conduct; but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

TITLE XI.

MAYOR.

1. The mayor shall be the chief executive officer of the city ^{Duties} and it shall be his duty to be vigilant and active in causing the laws governing the city to be duly executed, to inspect the conduct of all civic officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornament and prosperity of the city.

1 (a) The mayor may at any time and from time to time ^{Appointment of special constables} writing under his hand appoint and engage one or more special constables within the city for such time not exceeding 5 days as shall be stated in the appointment, but the authority of such constable shall cease if his appointment be not confirmed at the next regular meeting of the council. Such special constable shall for the time being form a part of the police force of the city.

Power of
suspension

2. The mayor may suspend any municipal officer (other than a commissioner of the city) and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is afterwards dismissed such officer shall receive salary or remuneration from the date of such suspension until the council by a resolution to be passed by a three-fourths vote otherwise determine.

To preside, etc.

3. The mayor shall preside at all meetings of the council. He shall preserve order and enforce the rules of the council and he shall sign (jointly with the secretary-treasurer) all cheques issued by the city.

Absence

4. In case the mayor through illness, absence or any other cause is unable to perform the duties of his office or in case his office is vacant the council may from among its members appoint a presiding officer who during such inability or vacancy shall have all the powers of the mayor.

Chairman

5. If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting the members of the council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

Vote

6. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest therein and (save as otherwise provided therein) any question upon which there is an equality of votes shall be deemed to be negatived.

Special
meetings

7. The mayor may call special meetings of the council whenever he deems it expedient and shall do so whenever requested in writing so to do by a majority of the council and all members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat. Such notice may be delivered personally or left at the usual place of business or residence of the member.

Public
meetings

8. If so requested at any time by the written petition of thirty electors the mayor shall by a printed public notice conspicuously posted in at least ten places in the city call a public meeting of the electors for the discussion of the municipal affairs of the city or of any matters relating thereto.

TITLE XII.

OFFICIALS.

1. The council shall appoint a secretary-treasurer, an assessor, a city solicitor and one or more auditors and they may also appoint such other officers as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Ordinance or any bylaw of the city. Council to appoint certain and commissioners others
2. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or to applicants at the lowest remuneration. Appointment dot to be by tender
3. All officers appointed by the council shall hold office during the pleasure of the council or according to the terms expressed in the bylaw by which they are appointed and in addition to the duties assigned to them by this Ordinance or by the general law of the Territories shall perform such other duties as may be required of them by the bylaws of the council. Tenure of office
4. In addition to defining the duties of any officer the council may by bylaw require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the mayor and shall be laid by him before the council. Security
5. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the city. Character of
6. Every officer, servant and agent of the city shall be personally liable for any damage arising from his acts or default, or from his refusal or neglect to discharge the duties imposed upon him by law or by this Ordinance or by the bylaws of the council in addition to any penalties otherwise imposed for the said acts or defaults. Liability
7. A council may grant any officer who has been in the service of the city including its previous existence as a town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation. Gratuities

TITLE XIII.

SECRETARY-TREASURER'S OFFICE AND DUTIES.

To attend
meetings, etc.

1. The secretary-treasurer shall attend all meetings of the council and shall truly record in a book without note or comment, all resolutions, decisions and other proceedings of the council and (if required by any member present) shall record the name and vote of every member voting on any matter submitted. He shall safely keep all the books, documents, records and accounts of the council, the originals (or duly certified copies) of all the bylaws thereof.

Absence

2. In case the secretary-treasurer is absent or is incapable of performing his duties the council may by resolution appoint some person to act in his stead during the period of such absence or incapacity; and during such period the person so appointed shall have all the powers of the secretary-treasurer.

Records open
to inspection

3. Any elector may at all reasonable times inspect any account or claim presented to the commissioners or the council, any contract, any bylaw, any report of the commissioners or of any committee or of any officer of the city (other than report of the city solicitor or of any counsel engaged by the city) after the same has been submitted to the council, and the minutes of any regular or special meeting of the council and also all assessment rolls, voters' lists, poll books and other documents relating to any election or voting upon any referendum, bylaw, and the secretary-treasurer shall within a reasonable time after the demand furnish copies of any such documents or extracts therefrom to any applicant at the rate of ten cents per hundred words.

Copies of
records

4. A copy of any such book, record, document or account certified under the hand of the secretary-treasurer and the city seal may after the original thereof has been produced be filed in court in lieu of such original and shall be received in evidence without proof of the seal of the city or of the signature of official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

Moneys

5. The secretary-treasurer shall receive and safely keep all moneys belonging or accruing due to the city from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the bylaws of the council.

Deposits and
cheques

6. The secretary-treasurer shall daily or as often as the council may direct deposit in the name of the city in some chartered bank designated by resolution of the council all moneys received by him in excess of \$100; and he shall (jointly with the mayor) sign all necessary cheques.

7. The secretary-treasurer shall keep and make use of such ^{Books} books as the council shall from time to time require him to keep and use.

8. The secretary-treasurer shall also prepare and submit to the council half-yearly a correct statement of the moneys at ^{Half-yearly statement} the credit of the city.

9. The council may at any time divide the office of secretary-treasurer and may appoint a clerk and a treasurer and may prescribe their respective duties, allotting to each such of ^{Division of offices} the duties herein imposed upon the secretary-treasurer as they all see fit.

TITLE XIV.

PLAN OF CITY.

[Repealed.]

TITLE XV.

CITY SOLICITOR.

1. The council may appoint a member of the law society ^{Appointment} the Territories as city solicitor and may determine his duties and the terms and period of his employment.

2. In case the remuneration of the city solicitor so appointed ^{Remuneration} to be paid wholly or partly by salary the city shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the city is a party; provided such costs are by the terms of the engagement of the city solicitor payable to him as part of his remuneration in addition to his salary.

TITLE XVI.

AUDIT.

1. The council shall at its first meeting in each year or within two months thereafter appoint one or more auditors but not one who then or during the preceding year is or was a member or is or was secretary-treasurer or who has or had during the preceding year directly or indirectly alone or with any other person on share or interest in any contract or employment with or on behalf of the city (except as auditor) shall be appointed. ^{Appointment of auditors}

Audit

2. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the city or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "*Audited*" and initial the same.

Audit before payment

3. The council may by bylaw provide that the auditor or auditors shall audit all accounts before they are paid.

Auditors' reports

4. On or before the 15th day of November in each year the auditor (or auditors) shall prepare in such form as the council may by resolution direct and on or before the 1st day of December the secretary-treasurer shall cause to be printed in such quantity as the council shall direct an abstract of the receipts, expenditures, assets and liabilities of the City up to the preceding 31st day of October, including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of and how disposed of and those remaining in hand and the auditor shall make a special report respecting any expenditures made contrary to law, bylaw or resolution and shall deliver the said abstract and report to the mayor who shall lay the same before the council at its next meeting.

Inspection

5. Any elector may inspect the said abstract and report and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

Publication

6. On or before the first day in April each year the council shall cause the said extract and report or a synopsis thereof to be published in some newspaper published in the city, such newspaper to be designated by resolution of the council.

TITLE XVII.

COMMISSIONERS.

Powers

1. Subject to the legislative jurisdiction of the council the powers shall be vested in commissioners to be appointed as herein provided and to be called "The commissioners of the city of Edmonton" the duty of assessment and collection of taxes, the care, management and control of the police force, fire brigade and other public service and of all property, works, improvements, roads, streets and public places owned or controlled by the city or over which its jurisdiction extends and such other powers and duties as may be delegated to them by the council.

2. They shall also have all the powers and perform the duties ^{Further powers} which the council may vest in commissioners under Ordinance No. 35 of 1900.

3. In addition to the mayor who shall be *ex officio* a commissioner there shall be one or more commissioners appointed ^{Number and tenure of office} by the council. No person shall be appointed a commissioner except by a vote of not less than three-fourths of all the members of the council and the appointed commissioners shall hold office during the pleasure of the council, but shall not be dismissed except for cause satisfactory to the council and by a vote of not less than two-thirds of all the members of the council

4. The council shall fix the annual salary to be paid to each ^{Salaries} of the commissioners and the salary so fixed shall not be decreased during the tenure of office of such commissioner.

5. In case any appointed commissioner is incapable through ^{Incapacity} illness or other cause of performing the duties of his office the council may appoint a substitute who during such illness, absence or other incapacity shall have and exercise all the powers of the said commissioner.

6. The commissioners of the city shall annually submit to the ^{Estimates} council at its first meeting after the annual election recommendations and estimates for expenditures which in their opinion should be made by the city during the current year.

7. The council shall deal with the same and shall provide ^{Consideration by council} the necessary funds for such expenditures as they determine to make.

TITLE XVIII.

APPOINTMENTS BY COMMISSIONERS.

[*Repealed.*]

TITLE XIX.

OATH OF OFFICE.

1. Every member of the council, every commissioner ap- ^{Commissioners etc.} pointed by the council, the secretary-treasurer, every assessor, the city solicitor, city engineer and every other civic officer who may by the terms of his employment be required so to do, shall before entering upon the duties of his office make and subscribe a declaration of office to the following effect:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) or (*in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*) that I will truly, faithfully and impartially, to the best of my knowledge and ability execute the office of (*as the case may be*) to which I have been elected (*or appointed*) in this city, and that I have not received and will not receive, any payment or reward or promise thereof, for the exercise of any partiality or malversation or undue execution of the said office (*or offices*) and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said city, save and except that arising out of my office as ——" (*naming the office*). So help me God.

Holders of
more than one
office

2. Any person who has been elected or appointed to two or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

Returning
officers, etc

3. Every returning officer, deputy returning officer, assistant deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon the duties of his office make and subscribe a solemn declaration to the effect following:

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been appointed in this city; and that I have not received, and will not receive any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office. So help me God.

Before whom
to be taken

4. When any oath or affirmation or declaration is required to be taken or made by a deputy returning officer or assistant deputy returning officer and no special provision is herein made therefor the same may be made and subscribed before the returning officer or before the poll clerk or before any justice of the peace; and the returning officer or any justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Ordinance.

Auditor

5. The declaration of office to be made and subscribed by every auditor shall be as follows:

I, A.B., having been appointed to the office of auditor for the city of Edmonton, do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability; and I do solemnly

declare that I had not directly or indirectly any share or interest whatever in any contract or employment (*except that of auditor, if reappointed*) with, by, or on behalf of the city, during the preceding year and that I have not any such contract or employment except that of auditor for the present year. To help me God.

6. The mayor and aldermen and the other civic officers ^{Before whom to be taken} (except the secretary-treasurer) who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before some justice of the peace or before the secretary-treasurer; the declaration of the secretary-treasurer shall be made and subscribed before a justice of the peace and the person before whom the declaration is made shall give the necessary certificate of its having been duly so made and subscribed.

7. The mayor or any justice of the peace may administer ^{Power to be taken} any oath, affirmation or declaration relating to the business of the city except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

8. The deponent, affirmant or declarant shall subscribe ^{Deposit of form of oath} every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the secretary-treasurer who shall preserve it among the city records.

9. The mayor (or in his absence the presiding officer of the council) may administer an oath or affirmation to any person ^{Absence of mayor} concerning any account or other matter submitted to the council.

TITLE XX.

GOVERNMENT COMMISSION OF INQUIRY.

1. In case one-third of the members of the council or thirty ^{Enquiry by government} electors of the city petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the city the Lieutenant Governor in Council may issue a commission accordingly and the commissioner or commissioners shall have all the powers of commissioners appointed under chapter 12 of the Consolidated Ordinances 1898, intituled *An Ordinance respecting Inquiries concerning Public Matters*.

TITLE XXI.

JUDICIAL COMMISSION OF INQUIRY.

Enquiry by
judge

1. In case the council pass a resolution requesting a judge to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the city or of any person having a contract therewith in relation to the duties or obligations of such person to the city or in case the council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make the inquiry the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under chapter 12 of The Consolidated Ordinances 1898, intituled *An Ordinance respecting Inquiries concerning Public Matters*, and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 11 of Title 28 of this Ordinance.

(3) The council requesting any such investigation may engage and pay counsel to represent the city therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the city and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

Investigation
by committee
of the council

2. The council may at any time by resolution appoint a committee of its members to investigate any charge which may be made against any employee of the city and the committee so appointed may summons such employee before it to answer the charge and shall have power to summons witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its inquiry to the council.

TITLE XXII.

LEGISLATIVE JURISDICTION.

Local extent

1. The jurisdiction of the council shall be confined to the limits of the city except where authority beyond the same is expressly given by this Ordinance.

2. The council may make bylaws for the peace, order, good government and welfare of the city of Edmonton and for the issues of licenses and payment of license fees in respect of any business: Bylaws generally

Provided that no such bylaw shall be contrary to the general law of the Territories and shall be passed *bona fide* in the interests of the said city of Edmonton.

And the council may repeal or amend any such bylaw except where the same has received the assent of the burgesses of the city and (in such case) only when the repeal of the bylaw is similarly assented to by the said burgesses.

And provided that no bylaw relating to the procedure of the council when in session shall be repealed, amended or suspended (except so far as the terms thereof shall themselves permit) unless (1) by a by-law unanimously passed at a regular or special meeting of the council at which all the members thereof are present; or (2) by a by-law passed at a regular meeting of the council in pursuance of a notice in writing given and openly announced at the next preceding regular meeting of the council and setting forth the terms or substantial effect of the proposed by-law:

Provided that in case of a bonus to any undertaking by way of supplying the same with water or electricity free of charge or at a rate which is estimated by the commissioners as less than the actual cost of supply, the amount of such bonus shall be ascertained by the commissioners annually and shall be debited against the general revenue of the city and credited to the revenue of the municipal public works from which the supply was furnished, and if the term during which the supply is to be furnished does not exceed five years the bonus may be granted without the assent of the burgesses."

3. Every by-law for—

1. Acquiring, building, carrying on, constructing, improving, leasing, extending, maintaining, managing or operating and acquiring sufficient land for the convenient carrying on of brick works, bridges, cemeteries, coal areas, coal pits, crematories, elevators, exhibitions, ferries, jails, gas or electric light or power works, hospitals, lock-up houses, manufactories, markets, mills, parks, poor houses, roads, road or street construction plant or machinery, sewerage or drainage works, street railways, telephone systems, water powers or water works; where it is not intended that the cost shall be borne out of the revenue for the then current year.

Restrictions
on legislation
in certain
cases

2. Bonusing, whether by way of the payment of a lump sum or of periodical payments or otherwise, exempting from taxation beyond the current year, subscribing for stock in or guaranteeing the payment of debentures issued by any person, syndicate or corporation in respect of any industrial, commercial, or engineering or charitable undertaking;

3. Granting to any telephone syndicate or company or gas or electric light or power syndicate or company or street railway syndicate or company any special franchise whether exclusive or not:

4. Contracting debts not payable within the current year: shall before the final passing thereof receive the assent of a majority of the burgesses voting thereon in accordance with the provisions of Title XXIV;

shall in the case of By-laws provided for in clauses 2 and 3 hereof receive the assent of two-thirds of the burgesses voting thereon in accordance with the provisions of Title XXIV. and in other cases a majority of the burgesses so voting, provided that nothing in this amending section shall affect the voting on any By-law granting a bonus to the Grand Trunk Pacific Railway Company of Canada or to the Canadian Pacific Railway Company nor to the majority of the votes of the burgesses required before the final passing of such By-law if the said By-law is submitted to the burgesses for their assent prior to January 1st, 1908.

Jurisdiction in
certain cases
beyond
city limits

4. Where the council decides to undertake or assist any of the enterprises mentioned in the foregoing section it may do so notwithstanding that the same may be wholly or partly without the limits of the city.

Powers
incidental
to licenses

5. The power to license shall include power to fix the fees to be paid for licenses, to specify the qualifications of the persons to whom and the conditions upon which such licenses shall be granted, to regulate the manner in which any licensed business shall be carried on, to specify the fees or prices to be charged by the licensees to impose penalties upon unlicensed persons or for breach of the conditions upon which any license has been issued or of any regulation made in relation thereto and generally to provide for the protection of licensees; and such power shall within the city extend to persons who carry on business partly within and partly without the city limits provided that Chinese laundries or laundries where Chinese are employed may be licensed and regulated as a distinct class of business.

Licenses not
to exclude
taxes

6. The imposing or collecting of license fees shall in no case be held to prevent the assessment of any land held or used by the license holders or the collection of any taxes lawfully imposed thereon.

6a. It is hereby declared that by virtue of the provision hereinbefore contained the council has authority to direct that the owner of any building situate upon land abutting upon any street or public place wherein there is a sewer and water main shall instal in such building connections with such sewer and water mains and such apparatus and appliances as shall insure the proper sanitary condition of the building."

7. When the council has authority to direct that any matter or thing shall be done by any person the council may also direct that in default of its being done by such person it shall be done at the expense of the person in default and the city may recover the expense thereof with costs by action or in like manner as municipal taxes. Council may do omitted work

(2) And when any such matter or thing is done at the expense of the city upon or in respect of any land the council may by resolution charge the cost thereof against the said land and the amount with interest shall be payable in the same manner as if it had been assessed against the land as a special assessment for a local improvement and the period over which the payment of the amount of interest shall be extended shall be fixed by resolution of the council.

7a. The council may by bylaw require that during the whole or any part or parts of the year all or any class or classes of shops within the city shall be closed and remain closed on each or any day of the week at and during any time or hour between six of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

(2) The council having passed any by-law in pursuance of the provisions of this Act, may from time to time, by by-law, amend the said by-law, changing the hours when the said shops shall be closed and remain closed, and substituting such other hours in the place and stead of the hours mentioned in the by-law, and may repeal any by-law passed, or to be passed, and may pass any new by-law for closing the same, or any other shops, either with or without any petition therefor being presented to the council.

(3) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing a by-law may appear best suited to insure the publicity thereof.

(4) A shop in which more than one class of trade is carried on shall be closed so far as relates to each class of trade at the hour and during the time at and during which any such by-law requires shops in which the class of trade in question is carried on to be closed.

(5) Nothing in any such by-law contained shall render the occupier of any premises liable to any fine, penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason or because of any emergency arising from sickness, ailment or death; but nothing herein contained shall be deemed to authorize any person whomsoever to keep his shop open after the hour appointed by such by-law for the closing of shops.

(6) Where an offence for which the occupier of a shop is liable under any such by-law to any fine, penalty or punishment has in fact been committed by some agent or servant of such occupier, such agent or servant shall be liable to the same fine, penalty or punishment as if he were the occupier.

(7) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled upon information duly laid by him, to have any other person whom he charges as the actual offenders brought before the court at the time appointed for hearing the original charge; and the charges upon both informations shall be tried together and if, after the commission of the offence has been proved, the said occupier proves to the satisfaction of the court that he has used due diligence to enforce the execution of the provisions of the by-law, and that the said other person committed the offence in question without his knowledge, consent or connivance, or wilful neglect or default, the said occupier shall be exempt from any fine, penalty or punishment; but the said other person shall thereupon be summarily convicted of such offence and shall be liable to the same fine, penalty or punishment therefor as if he were the occupier.

(8) Nothing in the preceding sections of this Act or in any by-law passed under authority thereof shall be deemed to render unlawful the continuance in a shop, after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, of the serving of such customers during their continuance therein.

(9) Notwithstanding that a by-law passed, or purporting to be passed, under or pursuant to the provisions of this Act, may be invalid or ineffectual as to some shops or some class or classes of shops, every such by-law shall, nevertheless, and to all intents and for all purposes, be held and deemed to be valid and effectual as respects any other shop or class of shops, and the occupiers of any other shop or class or classes of shops thereby required to be closed.

(10) In the foregoing subsections the expression "shops" means any barber shop or any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, but not where the only trade or business carried on is that of a tobacconist, news agent, victualling-house, or refreshment house, nor any premises wherein, under license, spirituous or fermented liquors are sold and for the purpose of this Act, sale by retail shall be deemed to include sale by auction; and the expression 'closed' means not open for the serving of any customer."

(11) This section shall not apply to pharmaceutical chemists or to chemists and druggists.

Restrictions on
exclusive
franchise

8. Subject to the other provisions of this Ordinance the council shall have no power to give any person an exclusive

right of exercising any business or special franchise within the city.

9. Every by-law under this Ordinance shall be under the seal of the city and shall be signed by the mayor (or other person who presided at the meeting at which the bylaw was finally passed) and countersigned by the secretary-treasurer; and every by-law shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the council except by the unanimous vote of the members present thereat. Passing and testing bylaw

10. A copy of any by-law written or printed and under the seal of the city and certified to be a true copy by the mayor or secretary-treasurer shall be received as *prima facie* evidence of its due passing and of the contents thereof without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the mayor or secretary-treasurer has been forged. Evidence of bylaw

11. In case no application to quash an by-law is made within two months next after the final passing thereof the by-law shall be valid and binding notwithstanding any want of substance or form therein or in the proceeding prior thereto or in the time or manner of the passing thereof. Validation of bylaws

TITLE XXIII.

MONEY BYLAWS.

1. Bylaws for contracting debts shall provide for the issuing of debentures and need not provide for the levying of any rate but a rate sufficient to raise the amount required to pay the annual instalment of principal and interest or the annual interest and the annual amount by way of sinking fund as the case may be shall be levied in each year during the currency of the debentures; and this provision shall apply to debenture by-laws hitherto passed. Debentures

2. The amount of the debenture debt of the city at any time outstanding shall not exceed 20 per cent. of the total amount of the assessment in respect of lands, businesses, income and special franchises, according to the last revised assessment roll. Limitation on amount

3. The amount of any funds or securities held by the city to the credit of a sinking fund shall be deducted in calculating the total amount of the debenture debt of the city at any time outstanding. (Cap. 36 of 1900, p. 117.) Calculation of amount of debt

Contents of
bylaw

4. The by-law creating debt shall state by recital or otherwise—

- (a) The amount of the debt intended to be created and in some brief and general terms the object for which it is to be created.
- (b) The period over which the indebtedness is to be spread or the period at the end of which the same is to be paid.
- (c) The rate of interest and whether the same is to be paid annually or semi-annually.
- (d) The amount of rateable property in the city according to the last revised assessment roll.
- (e) The amount of the existing debenture debt of the city and how much (if any) of the principal or interest thereof is in arrear.

Time of taking
effect

5. The by-law shall name a day when it is to take effect which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the by-law it shall take effect on the day of the final passing thereof.

Optional mode
of payment

6. The by-law may provide that the indebtedness shall be made payable in one or other of the modes hereinafter mentioned or that it be made payable in either of such modes as the council may deem expedient, that is to say, be payable

1. In such manner that each instalment of principal and interest shall be as nearly as possible equal in each year of the period of years during which the debentures are to run; or

2. In such manner that the principal shall be repayable at the end of the said period an equal sum by way of sinking fund being raised annually during the said period sufficient with the accumulated interest thereon to meet the principal at maturity, and the interest thereon annually or semi-annually;

And if such provision is contained in any bylaw of the city or town of Edmonton heretofore or hereafter to be passed the debt and debentures issued in respect thereof may be made payable in whichever of the above modes the council may by by-law determine.

Forms of
debenture

7. The debentures to be issued under the bylaw shall be in the form following or to the like effect:

FORM I.

CITY OF EDMONTON.

\$.....

Debenture No.

Under the authority of the Edmonton charter and of bylaw No. of the city of Edmonton passed on the day of , 19 the said city promises to pay the

bearer at the sum of _____ dollars with interest at the rate of _____ per cent. per annum, in _____ consecutive annual instalments according to the terms of the several coupons hereto attached.

Corporate seal
of the city.

Mayor.

Secretary-Treasurer.

Coupons.....

Coupon No.....

Debenture No.....

The city of Edmonton will pay to the bearer
at _____ on the _____ day of _____, 19____
the sum of _____ dollars.

Mayor.

Secretary-Treasurer.

FORM 2.

CITY OF EDMONTON.

\$.....

Debenture No.....

Under the authority of the Edmonton charter and of bylaw No. _____ of the city of Edmonton, passed on the _____ day of _____, 19____, the said city hereby promises to pay to the bearer at _____ dollars on the _____ day of _____, 19____, (if interest is payable in the meantime add) and to pay to the bearer the amount of each of the several interest coupons hereto attached as the same shall respectively become due.

Corporate Seal
of the city.

Mayor.

Secretary-Treasurer.

And the coupons may be in the following form:

Coupon No.....

Debenture No.....

The city of Edmonton will pay the bearer at
_____ on the _____ day of _____

19____, the sum of _____ dollars.

(Signed)

Mayor.

Secretary-Treasurer.

Local
improvement
debentures

8. In the case of debentures issued for local improvements the words "*Local Improvement Debenture*" shall also be printed on the face of debentures issued in respect of that part of the cost which is to be raised by special assessment.

Execution of
debentures

9. Every debenture issued as aforesaid shall be sealed with the seal of the city and signed either by the mayor or by some person authorized by bylaw to sign the same in his stead and by the secretary-treasurer or by some person authorized by bylaw to sign in his stead and the signatures to the coupons attached to a debenture may be engraved.

Times and
modes of issue

10. Debentures authorized by any such bylaw may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years after the final passing of the bylaw, and any debenture may, provided it be actually issued within the said period of four years, bear any date within the said period.

Validation
of debentures

11. Any debenture issued under this Ordinance shall be valid and binding upon the city notwithstanding any insufficiency in form or substance or otherwise of the bylaw or of the authority of the city in respect thereof; provided that the bylaw not being a local improvement bylaw has in case the bylaw is one provided for in section 3 clause 2 and 3 of Title XXII. received the assent of two-thirds and in any other case has received the assent of the majority of burgesses voting thereon and that no successful application has been made to quash it within two months after its final passing.

Provided that this amendment shall not apply to or affect any debentures to be issued to raise money to bonus the Grand Trunk Pacific Railway Company of Canada or the Canadian Pacific Railway Company if the bylaw granting the bonus be submitted to the burgesses for their assent prior to January 1st, 1908.

Final passing
of bylaw

12. Every bylaw which has received the assent of the required number of the burgesses who have voted thereon may be passed by the council within four weeks of the voting thereon but not thereafter.

TITLE XXIV.

ASSENT OF BURGESSES TO BYLAW.

Corporation

1. For the purpose of this title any bank or other corporation assessed on the last revised assessment roll as a freeholder or lessee of real property which if held or leased by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation.

2. In case a bylaw requires the assent of the burgesses before the final passing thereof the following proceedings shall (except in cases herein otherwise provided for) be taken for obtaining such assent—

Publication
of by-law and
notice

1. The council shall by bylaw appoint a returning officer and such number of deputy returning officers as may be expedient for the purpose of taking the votes of the burgesses upon the referred bylaw and such returning officer and deputy returning officers shall have and be subject to the like powers, authorities, duties and liabilities as returning officers and deputy returning officers in the case of an election under this Ordinance.

2. The council shall by the bylaw fix the day and hour for taking the votes of the burgesses and the places in the city where polls shall be opened and (where the votes are to be taken at more than one place) shall name a deputy returning officer to take the votes at every such place. The day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed bylaw;

3. The council shall before the final passing of the proposed bylaw publish a copy thereof in some newspaper published in the city; and the publication for the purpose aforesaid shall be continued in at least one number of such paper each week for three weeks. The returning officer shall also post up a printed copy of the proposed bylaw at ten or more conspicuous places in the city:

4. To each copy so published and posted shall be appended a notice over the printed signature of the returning officer stating that the above is a true copy of a proposed bylaw which has been introduced and which may be finally passed by the council (in the event of the assent of the burgesses being obtained thereto) within four weeks of the voting thereon and that upon the day and at the place or places fixed for taking the votes of the burgesses the voting thereon will be held between the hours of 9 a. m. and 5 p.m.

3. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a bylaw the returning officer shall cause to be printed at the expense of the city such a number of ballot papers as will be sufficient for the purposes of the voting.

Form of Ballot 4. The ballot papers shall be in the following form—

.....19..... Voting on bylaw to (here insert object of the bylaw), submitted to the burgesses of the city of Edmonton this (date).	FOR THE BYLAW
	AGAINST THE BYLAW

Bylaw to fix
times and
places

5. The council shall by the bylaw fix a time when and a place where the returning officer shall sum up the number of votes given for and against the bylaw and a time and place for the appointment of persons to attend at the various polling places and at the final summing up of the votes by the returning officer on behalf of the persons respectively interested in promoting or opposing the passing of the bylaw respectively.

Appointment
of
representatives

6. At the time and place named the mayor if requested shall appoint by writing signed by him two persons to attend at the final summing up of the votes and one person to attend at each polling place on behalf of the persons interested in promoting the passing of the bylaw and a like number on behalf of the persons interested in and opposing the passing of the bylaw.

Oath by
appointee

7. Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form—

I, the undersigned A.B., do solemnly declare that I am a burgess of the city of Edmonton and that I am interested in promoting (or opposing as the case may be) the passing of the bylaw (here insert the object of the bylaw) to be submitted to the burgesses of the said city on the _____ day of _____, 19____.

(Signature) A.B.

Declared before me this _____ day of _____, A.D. 19____.

C.D.
Mayor.

or

E.F.,
Returning Officer.

Production of
appointment

8. Every person so appointed before being admitted to the polling place or to the summing up of the votes as the case

may be shall return his written appointment to the deputy returning officer presiding at the poll.

9. In the absence of any person authorized as aforesaid to Substitute attend at the polling place or at the final summing up of the votes any burgess in the same interest as the person so absent may upon making and subscribing before the deputy returning officer or the returning officer a declaration in the following form so admitted to the polling place to act for the person so absent—

I, the undersigned A.B., do solemnly declare that I am a burgess of the city of Edmonton, and that I am interested in promoting (or opposing, *as the case may be*) the passing of the bylaw (*here insert object of the bylaw*) to be submitted to the burgesses of the said city on the day of 19

(Signature) A.B.

Declared before me this day of A.D. 19

C.D.,

Deputy Returning Officer.

10. During the time appointed for polling no person shall Presence at poll be entitled or permitted to be present in any polling place other than the officers, clerks and persons or burgesses authorized to attend as aforesaid at the polling place.

11. The returning officer on the request of any burgess Certificates to certain persons entitled to vote at one of the polling places who has been appointed deputy returning officer, poll clerk or constable or who has been named as the person to attend at a polling place other than the one where he is entitled to vote shall give to such burgess a certificate that he is entitled to vote for or against the bylaw at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect to which such burgess is entitled so to vote.

(2) Upon the production of the certificate such deputy returning officer, poll clerk, constable or other person shall have the right to vote at the polling place where he is stationed during the polling day instead of at the polling place of the ward or polling subdivision where he would otherwise have been entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such burgess to vote at such polling place unless he has been actually engaged as such deputy returning officer, poll clerk, constable or other person aforesaid during the whole of the day of polling.

(3) In the case of a deputy returning officer or constable voting as aforesaid at the place at which he is appointed to act under a certificate granted under subsection 1 of this section the poll clerk or in the absence of the poll clerk any one author-

14. At the day and hour fixed as aforesaid the polls shall ^{Vote by ballot} be held and the votes shall be taken by ballot.

15. The polls shall be kept open from nine o'clock in the ^{Duration} forenoon until five o'clock in the afternoon of the same day.

16. Every deputy returning officer, poll clerk, constable ^{Officers oaths} or agent authorized to be present at any polling place at the voting on a bylaw shall before exercising any of the rights or functions of his office take and subscribe before a justice of the peace or (in the case of a poll clerk, constable or agent) before the deputy returning officer presiding at the poll an affidavit in the following form—

I, A.B., do solemnly promise and declare that at the voting on the bylaw submitted to the burgesses of the city of Edmonton (the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted, and that I will not in any way whatsoever aid in the unlawful discovery of the same: and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the bylaw.

Declared before me this day of , A. D. 19 .
C.D.

Justice of the Peace (or Secretary-Treasurer).

17. The printed directions to be delivered to the deputy ^{Directions to voters} returning officers shall be in the following form—

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments and with the pencil (provided in the compartment) will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the bylaw and in the lower space if he votes against the passing of the bylaw.

The voter will then fold up his ballot paper or ballot papers so as to show the name or initials of the deputy returning officer signed on the back and leaving the compartment will without showing the front of the paper to any person deliver such ballot or ballots so folded to the deputy returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the deputy returning officer who will if satisfied of such inadvertence give him another ballot paper.

If the voter places on any ballot paper more than one mark or any mark by which he may be afterwards identified or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the deputy returning officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following form the ballot paper (given for illustration) the voter has marked his paper in favour of the passing of the bylaw.

19.....	Voting on bylaw to (here insert object of the bylaw), submitted to the burgesses of the city of Edmonton, this (date).	FOR	X
.....		THE BYLAW	
.....		AGAINST	
.....		THE BYLAW	

Cumulative voting

19. In voting upon referred by-laws a burgess who is assessed on the last revised assessment roll in respect of land for \$200.00 or upwards up to \$1999 shall be entitled to one vote; a burgess so assessed for \$2000 or upwards to \$4999 to two votes; a burgess so assessed for \$5000 or upwards to \$7999 to three votes, and a burgess so assessed for \$8000 or upwards to four votes. The assessor in preparing the voters' list shall insert in the column headed "No. of votes to which voter is entitled" the number of votes to which each burgess is entitled under the provisions of this section; and every deputy returning officer shall deliver to each voter at the poll a separate ballot paper for each vote to which he is entitled.

Votes in several wards

20. Every burgess shall be entitled to vote on the bylaw in each ward in which his name appears in the voters' list.

Oath of voter

21. Every burgess tendering a vote on the bylaw may be required by the deputy returning officer or by any ratepayer entitled to vote on the bylaw to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect thereof;

You swear that you are of the full age of 21 years;

That you are a freeholder in your own right (or your wife is a freeholder) in this ward;

That you have not voted before on the bylaw in this ward

That you are according to law entitled to vote on this bylaw in this ward;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;

That you are the person named (or intended to be named) in the voters' list (*showing the voters' list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (or a widow as the case may be):

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

and no inquiries shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

22. The chief resident officer of any corporation tendering a vote on the bylaw may be required by the deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation of any part thereof—

Oath on behalf
of corporation

That you are the chief resident officer of the (*naming the corporation*).

That the said corporation is a freeholder in this ward.

That you have not cast any vote on the bylaw on behalf of the corporation.

That you are according to law entitled to vote on the bylaw as chief resident officer of the said corporation.

That the said corporation is the corporation named (or intended to be named) in the voters' list (*showing the voters' list to the voter*).

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any.

That neither you nor to the best of your knowledge and belief the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote on this bylaw or for loss of time, travelling expenses, hire of team or any other service connected therewith.

And that neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

and no inquiries shall be made of any voter except with respect to the facts specified in the oath of affirmation.

Deputy
returning
officers'
statement

23. The written statement to be made by every deputy returning officer at the close of the polling shall be made under the following heads—

1. Name or number of ward or polling subdivision and date of voting.
2. Number of votes for and against the by-law.
3. Rejected ballot papers.

Objections

24. The deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the deputy returning officer.

Count

25. Every deputy returning officer at the completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the voting, the name of the deputy returning officer and of the ward or polling subdivision:

1. The statement of votes given for and against the bylaw and of the rejected ballot papers;
2. The used ballot papers which have not been objected to and have been counted;
3. The ballot papers which have been objected to but which have been counted by the deputy returning officer;
4. The rejected ballot papers;
5. The spoiled ballot papers;
6. The unused ballot papers;
7. The voters' list and poll book with the oath in the form prescribed by section 30 of Title VI. annexed thereto a statement of the number of burgesses whose votes are marked by the deputy returning officer under section 18 of Title VI. with their declaration of inability and the notes taken of objections made to ballot papers found in the ballot box.

Return

26. Every deputy returning officer shall at the close of the poll certify under this signature on the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside; and before placing the voters' list and poll book in their proper package

as aforesaid he shall make and subscribe before the secretary-treasurer or before a justice of the peace or the poll clerk his declaration under oath that the voters' list and poll book were used in the manner prescribed by law and that the entries required by law to be made therein were correctly made. The declaration shall be in the form prescribed by section 30 of Title VI. of this Ordinance and shall thereafter be annexed to the voters' list. The deputy returning officer shall then forthwith return the ballot box to the secretary-treasurer.

27. Every deputy returning officer upon being requested so to do shall deliver to the person authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the bylaw and of the number of rejected ballot papers. Certificate of result

28. The secretary-treasurer after he has received the ballot papers and the statements before mentioned of the number of votes given in each polling place shall at the time and place appointed by the bylaw in the presence of the persons authorized to attend or of such of them as may be present without opening any of the sealed packets of ballot papers sum up from such statements the number of votes for and against the bylaw; and shall then and there declare the result and shall forthwith certify to the council under his hand whether the majority of the burgesses voting upon the bylaw have approved or disapproved of the bylaw. Summary by secretary-treasurer

29. Every officer, clerk and person in attendance at a polling place shall maintain and aid in the maintaining the secrecy of the voting at the polling place. Offences

(2) No officer, clerk or other person shall interfere with or attempt to interfere with a burgess when marking his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a bylaw.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a bylaw.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any burgess has voted on a by-law.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same on any bylaw so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction before a justice of the

peace to imprisonment for any term not exceeding six months with or without hard labour.

Scrutiny

30. If within two weeks after the secretary-treasurer has declared the result of the voting on a bylaw any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers and if the petitioner enters into recognizance before the judge in the sum of \$100 with two sureties (to be allowed as sufficient by the judge upon affidavits of justification) in the sum of \$50 each conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

Notice

31. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the secretary treasurer.

Hearing by
judge

32. At the time appointed the secretary-treasurer shall attend before the judge with the ballot papers; and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine whether the majority of the votes given was for or against the bylaw and shall forthwith certify the result to the council.

Powers of
judge general

33. The judge upon such scrutiny shall possess the like power and authority as to all matters arising upon the scrutiny as he possesses upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a bylaw; and he may apportion the costs as to him seems just.

34. All the provisions of Titles VI and VIII so far as not inconsistent with the provisions of this title shall *mutatis mutandis* apply to proceedings under this title.

TITLE XXV.

QUASHING BYLAWS, ETC.

Motion to
quash

1. Any elector of the city may within two months after the passing of any bylaw or resolution of the council apply to a judge upon motion to quash the same in whole or in part for illegality; and the judge upon such motion may quash the

bylaw or resolution in whole or in part and may according to the result of the application award costs for or against the city and determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The bylaw or resolution may be proved by the production of a copy thereof certified under the hand of the secretary-treasurer and the city seal; and the secretary-treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents per folio.

(4) Before any such motion is made the applicant (or in case the applicant is a company some person on its behalf) shall enter into recognizance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the Supreme Court with the other papers relating to the motion.

(6) In lieu of the recognisance mentioned in subsections 4 and 5 of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into court having been made shall be filed in the Supreme Court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the results of the application

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court.

2. Any bylaw which has been procured to be passed through or by means of any violation of the provisions of sections 1 and 2 of Title VIII of this Ordinance may be quashed upon an application made in conformity with the provisions herein contained.

Bylaws
procured by
bribery or
corruption

TITLE XXVI.

FINANCE

1. The secretary-treasurer shall keep in his books two separate accounts of every debt one for the special rate and one for the sinking fund or for instalments of principal both to

Accounts of
debts, special
rates, sinking
funds, etc.

be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

Disposal of
surplus

2. If after paying the interest of a debt for any financial year and appropriating the necessary sum to the sinking fund of such debt or in payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of the next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

Sinking fund

3. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the city save as otherwise authorized by this Ordinance.

Special rates

4. The council may by bylaw direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt instead of being invested as hereinbefore provided shall (from time to time as the same occurs) be applied to payment or redemption at such value as the council may fix for or of any part of such debt or of any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such bylaw; and the council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner directed by such bylaw.

Liability in
case of
diversion of
moneys

5. In the event of the council diverting any of the said moneys for current or other expenditure save as aforesaid the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted and the said amount shall be recovered by action in the Supreme Court.

(2) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the city the action may be brought by an elector on behalf of himself and the other electors of the city.

Neglect to
levy sinking
fund

6. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund on the instalment of principal necessary for the payment of the debenture debt of the city every member of the

council shall be disqualified from holding any municipal office for the next two years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of a judge that he made reasonable efforts to procure the levying of the rate for the said sinking fund.

7. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the city or in any other debentures of the city or in first mortgage to an amount not exceeding one half of the sworn valuation of an independent appraiser or by way of the temporary use of an amount not exceeding 75 per cent. of the estimated amount of the municipal taxes to be levied by the general rate of the current year: Provided that such amount shall be replaced by the end of the current year; and from time to time as such securities mature may invest in other like securities.

(2) The council may regulate by bylaw the manner in which such investments shall be made.

(3) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the council; but they may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds or such debentures are properly applicable and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(4) The council may direct by bylaw that any surplus moneys in the hands of the secretary-treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

8. The council may appropriate to the payment of any debt the surplus income derived from any civic work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or reserve fund as the case may be or may be applied in payment of any instalment thereof accruing due; or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any civic work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

Prohibition as to investment

9. No member of the council shall take part in or be a party to the investment of any moneys referred to in section 6 of this title otherwise than is therein authorized ;and any person so doing shall be held personally liable for any loss thereby sustained by the city.

Consolidation of bylaws

10. In order to obviate a difficulty which has been found to prevail in negotiating local improvements debentures in consequence of many of the same having to be issued in small and broken amounts the council may from time to time after the passing of bylaws covering the several amounts required for particular local improvements and without in any way affecting the liens of the property therein described pass a collective or accumulative bylaw consolidating the several amounts of the said debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidating bylaw apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual bylaw passed in the first instance.

Consolidated
by-laws

11. Instead of passing separate bylaws the council may pass one bylaw for several local improvement works giving the same information concerning each of such works as would be given in the separate bylaws relating to each work and the passing of one bylaw covering several distinct works shall not affect the validity of the bylaw.

(2) The provisions of this and the next preceding section shall apply to bylaws heretofore passed by the town of Edmon-
ton.

Temporary loans on referred by-laws

11a. After a referred bylaw has been finally passed by the council the council may by bylaw authorize the mayor and secretary-treasurer to raise from time to time by way of a temporary loan in anticipation of the issue or sale of the debentures authorized by the referred bylaw and for the purposes thereby authorized such sum or sums not exceeding in the aggregate the total principal authorized by the referred bylaw to be raised as the council deems expedient, and all such temporary loans shall be a special charge upon the debentures in anticipation of the issue or sale whereof such temporary loans were made.

Debenture register

12. The secretary-treasurer shall open and keep a book to be known as "The Debenture Register." In the said book there shall be entered particulars of every bylaw authorizing the issue of debentures; and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the secretary-treasurer with the proper particulars inserted therein in the following form:

“Registered in the debenture register as no
under bylaw No. this 19 ”

13. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the city or of any *bona fide* purchaser for value notwithstanding defect in form or substance therein; and it shall not be held or deemed to have been the duty of any such purchaser to have inquired into the authority (other than the bylaw) of the city to issue such debenture or into the title of the city thereto or into the proposed or actual application of the purchase price thereof. Effect of registration

14. A certificate signed by the mayor and secretary-treasurer and sealed with the corporate seal of the city that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration. Certificate of registration

15. In case any debenture issued under the authority of any bylaw has been sold, mortgaged, pledged or hypothecated the city may upon again acquiring the same or at the request of the holder thereof cancel the same and the entry in the debenture register of the issue thereof and thereupon issue one or more new debentures in substitution thereof; and may make such new debenture or debentures payable by the same or a different mode of payment provided that neither the period over which the indebtedness was originally spread or the term at the end of which the same was made payable as the case may be nor the rate of interest is increased and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture. Cancellation of debenture

16. Any debenture issued by the council may contain a provision in the following words— Restriction of transfer

"This debenture or any interest therein shall not after a certificate of ownership has been indorsed thereon by the secretary-treasurer of this city be transferable except by entry by the secretary-treasurer or his deputy in the debenture register of the said city."

17. In case of the issue of any debentures containing the provision in the last section mentioned the secretary-treasurer shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture. No such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debenture or of his executors or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the secretary-treasurer. Certificate of ownership of debenture

(2) After a certificate of ownership has been indorsed as aforesaid the debenture shall only be transferable by entry by the secretary-treasurer or his deputy in such debenture register from time to time as transfers of such debenture are authorized by the then owner thereof or his lawful attorney.

TITLE XXVII.

RATES

- Limitations** 1. The council shall in each year fix by bylaw and levy upon all the lands, businesses, income and special franchises as are assessed upon the last revised assessment roll such rate or rates as shall be sufficient to pay all valid debts of the city falling due within the year making due allowance for the cost of collection and for the abatement and losses which may occur in the collection thereof; but the council shall not levy in any one year more than an aggregate rate of two cents of the dollar (exclusive of school rates and local improvement rates) upon the total value of the assessable property within the city according to the last revised assessment roll thereof.
- Bylaw** 2. The council may pass one bylaw or several bylaws authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the assessable property of the city as shall be sufficient to raise the sums required according to such estimates.
- Deficiency** 3. If the amount collected falls short of the sum required the council may direct the deficiency to be made up from any unappropriated fund belonging to the city.
- Equal deduction** 4. If there is no unappropriated fund the deficiency may be equally deducted from the sums estimated as required or from any one or more of them.
- Surplus** 5. If the sums collected exceed the estimates the balance shall form part of the general funds of the city and shall be at the disposal of the council unless otherwise especially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.
- Date of maturity of taxes** 6. The rates or taxes imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the then current year ending with the thirty-first day of December thereof unless otherwise expressly provided for by the bylaw under which the same are directed to be levied.
- Temporary loans** 7. The council may authorize the mayor and secretary-treasurer to borrow either before or after the passing of the bylaw levying the taxes for the current year from any person or bank such sums as the council deem necessary to meet the current expenditure of the city until the taxes levied or to be levied for the year can be collected.

8. The amount so borrowed shall not exceed eighty per Limitations cent. of the estimated amount of the taxes for the current year; and if the council authorizes the borrowing of any larger sum than the amount aforesaid every member of the council who votes therefor shall be disqualified from holding any municipal office for two years.

TITLE XXVIII.

EXPROPRIATION.

1. In case the council desires to acquire land for any pur- Commissioner pose mentioned in subsection 1 of section 3 of Title XXII. or may acquire for the purpose of preventing the working of any coal mine within, upon or under any portion of the land comprised within the city the commissioners of the city of Edmonton in case they cannot acquire the land at a fair price by agreement with the owners or occupiers thereof or other persons interested therein may acquire the same by expropriation in the name and on behalf of the city.

2. The said commissioners shall make to the owners or occu- Compensation piers or of other persons interested in any land taken by the city in the exercise of any of the powers conferred by this Ordinance due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Ordinance.

3. Before taking any land the commissioners shall deposit Deposit of with the secretary-treasurer plans and specifications shewing plan of land the land to be taken or used and the work to be done thereon taken and the names of the owners or occupiers thereof according to the last revised assessment roll.

(2) The secretary-treasurer shall thereupon notify such owners and occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken; and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(3) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and

extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

Claims for
damages

4. In case any land not taken for any work or undertaking constructed, made or done by the commissioners under the authority of this Ordinance is injuriously affected by such work or undertaking the owner or occupier or other person interested therein shall file with the secretary-treasurer within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim.

(2) Such notice shall be given by the secretary-treasurer forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(3) The date of the publication of such notice shall be the date in respect of which the damages shall be ascertained,

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

Compensation
appurtenant
to land

5. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof.

Trustees, etc.

6. In the case of land which the city has authority under this Ordinance to take without the owner's consent corporations, tenants' for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue born, lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Ordinance as in contracting for and conveying to the city any such land or in agreeing as to the amount of damages arising from the exercise by the commissioners of any power in respect thereof.

(2) In case there is no such person who can so act in respect to such land or in case any person interested in respect to any such land is absent from the district of Alberta or is unknown or in case his residence is unknown or he himself cannot be found a judge may appoint a person to act in respect to the same for all or any of the said purposes.

(3) In case any person acting as aforesaid has not the absolute estate in the property the city shall pay the amount to be paid in respect of such property as a judge shall direct into court and the city shall not be bound to see to the application of any sum so paid.

Compensation
and damages
to stand in
lieu of land

7. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as afore-

said shall stand in the stead of such lands and shall be subject to the limitations and charges (if any) to which the said lands were subject and any claim to or encumbrance upon the said lands or to or upon any portion thereof shall as against the said city be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

8. If any person to whom the compensation or damages Vesting order or any part thereof is payable refuses to execute the proper transfer, discharge or other instrument or cannot be found or is unknown the city may pay such compensation or damages into court and thereupon the judge on the application of the city may grant an order vesting in the city the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the city of Edmonton calling upon persons entitled to compensation or damages in respect of any lands or any part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interests therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

9. The commissioners of the city of Edmonton in all cases Tender where claims for compensation or damages are made against the city which under the provisions of this or any other ordinance are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the land taken; and in the event of the non-acceptance by the claimant of the amount so tendered and of the arbitration being proceeded with if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrators be awarded to the city and set off against any amount awarded against them.

10. Where a claim is made for compensation or damages by Arbitration the owner or occupier of or other person interested in lands taken by the commissioners or which is alleged to have been injuriously affected by the exercise of any of the powers of the commissioners in the event of the commissioners not being able to agree with the claimant as to the amount of compensation or damages the same shall be settled and determined by the award of a judge or of an advocate to be appointed by him.

Arbitrator's
fees

11. The fees to be paid to the judge or the arbitrator appointed by him upon any arbitration shall be as follows—

For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party \$3.00;

For every day's sitting to consist of not less than 6 hours \$20.00;

For every sitting not extending to 6 hours (fractional part of hours being excluded) where the arbitration is actually proceeded with for each hour occupied \$3.00.

Effect of
reference

12. The reference of any such claim to a judge shall not be deemed to be an admission of liability on the part of the city; and all defences and objections shall be open to either party as if an action had been brought.

Costs

13. The judge or other arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officer of the court without any further order and the amount so determined shall be payable within one week after taxation.

Notes of
evidence and
views

14. In case of an award under this Ordinance the judge or other arbitrator shall take and immediately after making of the award shall file with the secretary-treasurer for the inspection of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof and in case he proceeds partly on view or any knowledge or skill possessed by him he shall also put in writing a statement thereof.

Effect of
award

15. The award shall not be binding on the city unless it is adopted by the city by bylaw within one month after the making of the award; and if not so adopted the property shall stand as if no arbitration had been held and the city shall pay the costs of the arbitration.

TITLE XXIX.

ACTION BY AND AGAINST CITY

Rights as in
proceedings

1. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created enacted or validated by any statute imposing such duties obligations or liabilities the city shall have the right by action to enforce such duties or obligations and the payment of such

liabilities; and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person or interest.

2. In case a bylaw or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the bylaw or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the city; and every such action shall be brought against the city alone and not against any person acting under the bylaw or resolution.

Notice of
action in
certain cases

3. In case the city or the commissioners tender amends to the plaintiff or his solicitor if such tender is pleaded and if traversed and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases.

Tender of
amends

TITLE XXX.

HIGHWAYS AND PUBLIC PLACES.

1. The jurisdiction over every public road, street, lane, alley, square, or other public place in the city of Edmonton is hereby vested in the corporation of the said city.

Within the
city

2. The Lieutenant Governor in council may by Order in Council vest in the city jurisdiction over any highway, bridge or stream not wholly within the city limits or any part of such highway, bridge or stream.

Without the
city

3. All rights, powers, authority, duties and privileges of the Lieutenant Governor in Council or of the Lieutenant Governor or of the clerk of the Legislative Assembly under and by virtue of *The Ferries Ordinance* and any Ordinance now or hereafter to be made in relation thereto shall become and be vested in the city hereby erected in so far only however as regards any ferry or ferries now or at any time hereafter operated to or from any place or places on the north or north-westerly edge of the North Saskatchewan river where it forms one of the boundaries of the city hereby erected.

Ferries

4. The city may pass bylaws for—

Closing, etc.,
of streets

1. The closing and selling or leasing of any public highway the fee whereof is not vested in the Crown provided that such bylaw shall be passed unless at least two weeks' notice of the intention of the council to pass the same be served upon the persons registered or assessed as the owners of the land abutting upon the portion of highway so proposed to be closed and sold or leased and published previous to the passing of the bylaw in at least two weekly issues of a newspaper published in the city nor until any person who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed bylaw;

2. Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damages to his land by reason of anything done under the bylaw; such compensation to be determined in the same manner and subject to the same conditions as in the case provided for by Title XXXVIII of this Ordinance.

(3) In case it shall appear that the amount of the compensation after deducting the selling price in case a sale is contemplated will be so large that the amount ought not to be paid out of the current revenue, the by-law shall be referred for the assent of the burgesses, and if the same be finally passed the amount necessary to be raised to pay the compensation and any costs may be raised by the issue of debentures for the amount payable on such terms and with such rate of interest as the council by bylaw shall determine."

Repairs

5. Every public road, street, bridge, highway, square, alley or other public place belonging to the city including all crossings, sewers, culverts, and approaches, grades, sidewalks and other works made or done therein or thereon by the city or by any person with the permission of the council shall be kept in repair by the city and on default of the city so to keep the same in repair the city (besides being subject to any punishment provided by law) shall be civilly responsible for all damages sustained by any person by reason of such default.

Private
dedication

6. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by bylaw or has been assumed for public use by the council or by the commissioners of the city of Edmonton.

City's remedy
over in action
of damages

7. In case an action is brought against the city to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley, square or other public place placed, made, left or maintained by any person other than a servant or agent of the city or

to recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the city the city shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs if any which the plaintiff in the action may recover against the city.

8. The city shall be entitled to such remedy over in the same action if the other person is made a party to the action; and if it is established in the action as against the other person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other person; and the city may in such action have the other person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the city); and the other person may defend such action as well against the plaintiff's claim as against the claim of the city to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

In same action

9. If such other person is not a party defendant to such action or be not added as a party defendant or third party or if the city has paid the claim for such damages before any action is brought to recover the same or before the recovery of damages or costs against the city therein the city shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

In separate action

10. Such other person shall be deemed to admit the validity of the judgment if any obtained against such city in cases only where a notice has been served on such person pursuant to the provisions of *The Judicature Ordinance* or of any rules of Court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment.

Admission of third party's liability

11. Where no such notice has been served and there has been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the city or where damages have been paid without action or without recovery of judgment against the city the liability of the city for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the city to recover in such action.

Nonadmission of liability

12. Where the city and an adjacent municipality or adjacent municipalities are jointly liable for the keeping in repair

Joint liability

of a public road, street, bridge, stream or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair and any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein and in settling such proportions either in the action or otherwise regard shall be had to the extent to which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly.

Limitation
of liability

13. Nothing contained in sections 5 or 6 of this title shall cast upon the city any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the city has no control where the city is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a bylaw resolution or license of the council.

No liability on
officer of city

14. Where an action may be brought against the city by any person who has suffered damage by reason of the default of the city in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally but the remedy therefor shall be wholly against the city.

(2) This section shall not affect the liability of a mere contractor with the city nor or any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

TITLE XXXI.

ASSESSMENT.

Assessment
Districts

1. The Council may by bylaw divide the city into assessment districts and if they deem necessary may appoint one or more assistant assessors to aid the assessor in the work of assessment.

Assessment roll

2. The assessor shall complete his assessment roll in each year by the 30th day of April."

3. The assessment roll shall be in the form following—

Form of
assessment
roll

No. of assessment	The names in full (if the same can be ascertained) of every person taxable in the city.	Post office address	Own, (owner), Occ. (occupant)	Brief description of taxable property.	Frontage and depth.	The actual cash value of each parcel or lot of real property or of the interest of the taxable person therein	V. (vacant), R. (residential), B. (business)	Business assessment.	Taxable income.	Special franchises.	Total amount of assessment.	Public or separate school supporter.	Date of assessment.	Value of property exempt from taxation.	Date of delivery or posting of notice.
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Fraudulent
assessment

4. If any assessor makes fraudulent assessments or wilfully and fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Ordinance he shall be liable to a penalty of \$100.

4a. After the assessor shall have completed his assessment roll the council shall appoint a committee, who shall examine the roll and report to the council such alterations therein as, in the opinion of the committee, it is desirable should be made, and the council shall, on consideration of such report, direct the assessor to make such alterations in the roll as the council shall deem expedient and the roll shall be amended accordingly."

Notice of
assessment by
publication

5. The assessor within three weeks after the decision of the council upon the assessment roll shall publish in a newspaper published in the city a notice in the following form:

CITY OF EDMONTON.

Assessment Roll, 19

Notice is hereby given that the assessment roll of the City of Edmonton for the year 19 has been prepared and is now open for inspection at my office in the city hall from ten a.m. to five p.m. on every judicial day except Saturday (and on that day from ten a.m. to mid-day), and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge a complaint in writing at my office.

Dated this day of 19

A.B.,
Assessor.

Notice by mail.

6. The Assessor shall also within three weeks after the decision of the council upon the assessment roll transmit by post to every person named thereon an assessment slip containing the particulars appearing in the roll with respect to such person.

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 5 of this title and the slip shall be endorsed thereon a written or printed form of complaint as given in section 8.

(3) No assessment shall be invalidated by any error in the assessment slip transmitted as aforesaid or by reason of the transmission or nonreceipt thereof by the person to whom it was addressed.

(4) If by mistake of the assessor any person be assessed as the owner of land who is not in fact the owner thereof

axes levied against the land shall nevertheless be a valid charge against the same.

7. If any person named in the said roll thinks that he or any other person has been assessed too low or too high or that his name has been wrongfully inserted in or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the Assessor that he appeals to the commissioners to correct such error and in such notice shall give a name and address where notices may be served upon him.

Appeal to commissioners

8. Every such complaint shall be in the following form—
TO THE COMMISSIONERS OF THE CITY OF EDMONTON:

Form of notice of appeal

SIR,—I hereby appeal against assessment No. _____ in
_____ on the following (*here state grounds*
appeal).

C.D.,
Appellant.
19

Dated this _____ day of _____

9. The assessor shall forthwith notify every such appellant and every other person whose assessment is affected or may be affected thereby of the time and place of the sittings of the commissioners to hear the said appeal.

Notice of hearing

10. Every such notice shall be given at least three days before the sitting of the commissioners.

Time of notice

11. Before the sitting of the commissioners the assessor shall prepare a list of the appeals in the following form which shall be posted up on a notice board at the door of the city hall and shall continue so posted during the sittings of the commissioners:—

List of appeals

APPEALS to be heard by the commissioners of the city of
Edmonton on the _____ day of _____ 19

APPELLANT.	RESPECTING WHOM	MATTER COMPLAINED OF.
A.B.....	Self.....	Overcharged on land.
C.D.....	E.F.....	Name omitted.
G.H.....	J.K.....	Not <i>bona fide</i> owner or tenant.
L.M.....	Self.....	Income overcharged.
&c.	&c.	

12. The assessor shall be the clerk and secretary of the commissioners when they are sitting upon assessment appeals.

Secretary

Conduct of
hearing

13. The appeals shall be heard as far as possible in the order in which they stand upon the said list but the commissioners may adjourn or expedite the hearing of any appeal as they think fit.

Non-
appearance

14. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the commissioners may proceed *ex parte*.

Evidence

15. It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the commissioners deem it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

Termination
of sittings

16. All the duties of the said commissioners under the foregoing sections shall be completed by the fifteenth day of June; and no appeal to the said commissioners shall be heard after that date.

Amendment
of roll

17. Forthwith after the conclusion of the sittings the assessor shall amend the assessment roll in accordance with the decisions of the commissioners. Every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of one of the commissioners.

Binding effect
of amended roll

18. The roll as finally passed by the commissioners and certified by the secretary-treasurer as so passed shall (except in so far as the same may be so further amended on appeal to the council) be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error of misstatement in the notice required by section 9 of this title or any omission to deliver or to transmit such notice.

Evidence of
roll

19. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the city certified to be a true copy by the assessor shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

Omission
from roll of
assessment for
previous years

20. If at any time it appears to any assessor that the land liable to assessment has not been assessed for the current year or for either or both of the next two preceding years he shall enter such land on the next roll as well for the arrears of the preceding year or years if any as for the taxes of the current year and the valuation of the land for each of such years shall be the average assessed value of the immediately adjacent land.

21. Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector and the assessor has reason to suspect that the person so claiming or the person on whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector the assessor shall make reasonable enquiries before assessing or naming any such person in the assessment roll.

Duties of
assessor as to
entries

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted without any request in that behalf; and a person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector shall upon conviction thereof be liable to a penalty of \$25.00 with costs and to imprisonment until the penalty and costs are paid.

(4) The assessor shall accept the statement of any ratepayer or a statement made on behalf of any ratepayer by his authority that he is a supporter of public schools or of separate schools as the case may be and such statement shall be sufficient *prima facie* evidence for entering opposite the name such person in the assessment roll the words "P.S.S." or "S.S.S." as the case may be and in the absence of any such statement the assessor shall make such entries in accordance with his belief.

22. It shall be the duty of every assessable person to give to the assessor all information necessary to enable him to make up the roll but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

Information
to be given

23. It shall be the duty of every person employing any other person in his trade, manufacture, business or calling to give information concerning the names and places of residence of all persons employed by him whose wages, salary or remuneration exceed \$200 per annum.

Information
by employees

24. An appeal to the council shall lie at the instance of the city or of any person entitled to appeal to the commissioners

Appeal to
council

not only against a decision of the commissioners but also against any omission, neglect or refusal of the commissioners to hear or decide an assessment appeal.

Notice of
hearing

25. The council shall direct a notice in such form as they approve to be served by the appellant upon every person whose assessment is or may be affected by such appeal of the time and place at which the appeal will be heard.

Hearing

26. At the time and place appointed the council shall hear the said appeal and if the appellant or any person notified as aforesaid fails to appear in person or by agent the council may proceed *ex parte*.

Limitation of
time

27. If upon the hearing of any such appeals it appear that the assessment of persons other than those already notified may be affected by the result of the appeal the council may direct notices to be given to such persons by the appellant and may adjourn the hearing from time to time but all appeals to the council shall be determined on or before the 30th day of June after which date the council shall have no power to hear an appeal.

Amendment
of vote

28. Any amendments in the roll which are rendered necessary by the decisions of the council shall be made by the assessor and initialled by the mayor.

Adoption
of roll

29. The roll with any amendment made as aforesaid shall be adopted by the council on or before the second day of July and shall thereupon become and be the revised assessment roll of the city:

Provided that there shall be a right of appeal from the decision of the council to a judge as provided by *The Municipal Ordinance*.

Correction of
errors

30. The council may at any time correct any gross and palpable errors in the roll and any corrections so made shall be initialled by the secretary-treasurer.

TITLE XXXII.

TAXATION.

Subjects of
taxation

1. Subject to the other provisions of this Ordinance the municipal and school taxes of the city of Edmonton shall be levied upon: (1) land, (2) businesses, (3) income and (4) special franchise.

Exemptions

2. The following property shall be exempt from taxation—

1. The interest of the Crown in any property, including property held by any person in trust for the Crown;

2. Property specially exempted by the Parliament of Canada or for the public use of the Government of the Territories.

3. If any property mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the property itself shall not be liable.

4. Every place of worship and land used in connection therewith not exceeding one acre and burying grounds;

5. The building and grounds not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every university, every college, every high school, public or separate school and every seminary of learning or hospital owned by a corporation whether vested in a trustee or otherwise and of the Young Men's Christian Association so long as such building and grounds are actually used and occupied by such institution but not if otherwise occupied;

[4 acres exempt.]

6. The buildings and grounds exempt under the two preceding clauses shall nevertheless be liable to be assessed for local improvements;

7. All property (real and personal) belonging to the city and used only for civic purposes;

8. The jail, lock-up, court house and the lands attached thereto and used for the purposes thereof;

9. Every public library.;

10. The income of every person up to the amount of \$1,000.00.

3. Land shall be assessed at its fair actual value. In estimating its value regard shall be had to its situation and the purpose for which it is used or if sold by the present owner it could and would probably be used in the next succeeding twelve months. In case the value at which any specified land has been assessed appears to be more or less than its true value the amount of the assessment shall nevertheless not be varied on appeal unless the difference be gross if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the land in question are assessed.

Mode of assessment

(2) The mode of assessing businesses shall be as follows—The assessor shall fix a rate per square foot of the floor space (irrespective of partitions, elevators, stairways or other obstructions) of each building or part thereof used for business purposes and shall as far as they deem practicable classify the various businesses and may fix a different rate for each and in so doing may place a wholesale business in a class distinct from a retail business of otherwise the same class and may classify each building or part thereof according to the class of business carried on therein and may fix a different rate for different classes of business carried on under the same roof and for storehouses and warehouses or other like appur-

tenant building than that fixed for the principal building and may fix a different rate for different flats of buildings. Such rate shall not exceed \$5 per square foot except in the case of banks, loan companies or other financial institutions in which case such rate shall not exceed \$10 per square foot. And the assessor shall submit to the council a statement showing all the various classifications and ratings which he proposes to apply in the assessment of businesses and the assessor shall make his assessment in accordance with the directions which the council shall make up on a consideration of such statement.

(3) The owner of a special franchise shall not be assessed in respect of business or income but in addition to an assessment on land shall be assessed for the actual cost of the plant and apparatus less a reasonable deduction for depreciation.

(4) No person who is assessed in respect of any business or special franchise shall be assessed in respect of the income derived therefrom and no person who is assessed in respect of any business or special franchise or of any income derived therefrom shall be liable to pay a license fee in respect of the same business or special franchise.

Occupants or
owner liable

4. The occupant of any building liable to taxation under the preceding section shall be liable for the business tax aforesaid though he may also be the owner of the premises and liable as such owner to taxation on the land.

Poll tax

5. Except members of His Majesty's naval or military force on full pay or on actual service or of the Royal North West Mounted Police force or of the City Fire Brigade, every male person of the age of twenty-one years or upwards who has been a resident of the city for at least three months during the then current year prior to the 31st day of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$2.00 the said poll tax may be collected at any time after the 1st day of June, but every person liable to pay a poll tax and any of the persons hereinbefore excepted, upon satisfying the assessor on or before the 1st day of July in the then current year that for a period of at least three months prior to the 1st day of July in the then current year that he has *bona fide* resided in the city and during the said period has been and still is a bona fide occupant of premises therein as a tenant, lodger, employee or servant of the owner or person entitled to the possession of the premises, and upon producing the receipt of the Secretary-Treasurer showing the payment of the sum of \$5.00 as 'Householders' Tax,' shall be entered by the assessor upon a list to be called the 'Householders' Tax List,' and shall thereupon be exempt from the payment of a poll tax for the then current year.

Householders'
Tax List

5a. The assessor shall on demand give to the owner or the agent of the owner of any land a certificate showing whether

or not there are any arrears of taxes, and if so to what amount owing in respect to his land or any lot or parcel thereof, and he may charge twenty cents for the search in respect of each separate lot or parcel not exceeding four and for every additional ten lots or parcels, or less number, if there be less than ten, twenty cents, and the council may by bylaw provide that the assessor may for searches regarding any entry upon the assessment roll or tax roll charge fees at a rate not exceeding ten cents for the first entry and five cents for each subsequent entry in respect whereof a search is made at the same time.

6. A poll tax may be collected in the same manner as other municipal taxes; and the person appointed to collect the same may also demand the same from the employer of the person liable to pay the same, and the employer shall deduct the same from the salary or wages which are then or shall first thereafter during the then current year become owing by him to the person liable to pay such poll tax and shall pay the same as soon as the amount of the tax is earned by his said employee to the person appointed to collect the same and in default may on summary conviction be ordered to pay the same together with costs and in default of payment to imprisonment not exceeding thirty days.

Collection
Poll Tax

TITLE XXXIII.

TAXES.

1. On or before the first day of September in each year the assessor shall prepare a tax roll and therein proceed to collect the taxes specified.

Preparation
and contents
of roll

(2) The tax roll may be a continuation of the assessment roll and shall in that way or independently contain—

- (a) The name of every person assessed;
- (b) His residence;
- (c) The nature of the property in respect of which he is assessed.
- (d) The total amount for which he is assessed and there shall be calculated and set down opposite each such entry in appropriately headed columns the sums for which such person is chargeable by way of taxes on account of (1) the general rate, which may include the general debenture rate; (2) special rates; (3) school rates; and (4) arrears, and the total thereof.

2. If a taxable person is a resident of the city the assessor shall either transmit to him by post a written or printed notice

showing the amount of the taxes payable by such person and distinguishing between.

1. Taxes on land;
2. Taxes on business income, or special franchise;
3. School taxes; and
4. Local improvement or other special tax;

or serve such notice upon any grown up person at the residence or business office of the person taxed and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of the service or posting of such notice and shall verify it by his initials and such entry shall be *prima facie* evidence that the notice was served or posted as aforesaid and of the date thereof.

Tax notice
nonresident

3. In case the taxable person is a nonresident the assessor shall transmit to him by post a similar statement of the taxes charged against him in the roll; and the assessor shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials; and such entry shall be *prima facie* evidence that the said notice was transmitted and of the date of such transmission.

Instalments

4. The council may require payment of taxes including local improvement rates, sewer rates, school rates and all other rates to be made by the taxable person at the office of the assessor on any day or days and in bulk or by instalments; and they may also provide that on punctual payment of any instalment the time for payment of the remainder may be extended to a day or days to be named in the bylaw.

Discounts

5. The council may by bylaw allow a discount for payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein named and may impose an additional percentage charge (not exceeding five per cent.) for nonpayment by the 31st day of October in the year on which the same was imposed; and such additional percentage shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the assessor or by distraint or otherwise as if it had been originally imposed by bylaw.

Land tax
a lien

6. The taxes due upon any land may be recovered from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or of any part thereof (saving his recourse against any other person) and such taxes shall be a special lien upon the land and shall be collectable by action or distraint in priority to every claim, privilege, lien or incumbrance of every person except the King; and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the city.

7. The production of a copy of so much of the roll as re- Evidence
lates to the taxes payable by any person in the city certified
as a true copy by the assessor shall be conclusive evidence
of the debt.

8. Any tenant may deduct from his rent any taxes paid by Deduction
him which (as between him and his landlord) the latter ought by tenant
to pay.

9. Where taxes are due upon any land occupied by a tenant Collection
the assessor may give such tenant notice in writing requiring from tenant
him to pay the assessor the rent of the premises as it becomes
due from time to time to the amount of the taxes due and
unpaid including costs; and the assessor shall have the same
authority as the landlord of the premises would have had
to collect such rent by distress or otherwise to the amount
of the unpaid taxes and costs; but nothing in this section con-
tained shall prevent or impair any other remedy for the recov-
ery of the taxes or any portion thereof from such tenant or from
any other person liable therefor.

10. In case taxes which are a lien upon land remain unpaid Distress for
in the case of a resident of the city for fourteen days after taxes where
notice given under section 3 or in the case of nonresidents for lien
one month after the posting of the statement provided for by
section 4 of this title the assessor may levy the same with costs
by distress either—

1. Upon the goods or chattels belonging to or in the posses-
sion of the owner or tenant of the land whose name appears
upon the roll (and who is hereinafter called "the person taxed")
or

2. Upon the interest of the person taxed in any goods found
on the land including his interest in any goods to the posses-
sion of which he is entitled under a contract for purchase or
under a contract by which he may become the owner thereof
upon performance of any condition; or

3. Upon any goods or chattels of the owner of the land
although the name of such owner does not appear upon the
roll; or

4. Upon any goods and chattels on the land where title to
such goods and chattels is claimed in any of the ways follow-
ing—

- (a) By virtue of an execution against the person taxed
or against the owner though his name does not appear
on the roll; or
- (b) By purchase, gift, transfer or assignment from the
person taxed or from such owner whether absolute or
in trust or by way or mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law
or son-in-law of the person taxed or of such owner

or by any relative of his in case such relative lives on the land as a member of the family;

- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

Goods of
owner or taxed
persons only
seizable

11. Where the person taxed or such owner is not in possession goods and chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

Tenants goods

12. No distress shall be made upon the goods and chattels of a tenant for any taxes not originally assessed against him as such tenant.

Distress where
no lien

13. In case taxes which are not a lien on land remain unpaid in the case of a resident of the city for fourteen days after notice given under section 3 or in case of a nonresident for one month after the posting of the statement and demand provided for by section 4 of this title the assessor may levy the same with costs by distress either—

1. Upon the goods or chattels of the person taxed wherever found within the city; or

2. Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition;

3. Upon the goods and chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c) of section 10 and with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom.

Stranger's
goods

14. Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

Assignee or
liquidator

15. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

16. Any goods and chattels exempt by law from seizure ^{Exemptions} under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

17. The person who claims such exemption shall select and ^{Selection} point out the goods and chattels as to which he claims exemption.

18. If at any time after demand has been made or notice ^{Anticipatory distress} given pursuant to sections 2 and 3 of this title and before the expiration of the time for payment of the taxes the assessor has reason to believe that any person in whose hands goods and chattels are subject to distress is about to move the goods and chattels out of the city and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the assessor authorizing him to levy for the taxes, costs and expenses in the manner provided by this Ordinance although the time for payment thereof may not have expired and the assessor may levy accordingly.

19. The costs chargeable in respect of any such distress and ^{Costs} levy shall be those payable to bailiffs under chapter 14 of The Consolidated Ordinances 1898 intituled *An Ordinance respecting Distress for Rent and Extra Judicial Seizure*.

20. No defect, error or omission in the form or substance of ^{Errors} the notice or statement required by sections 2 or 3 of this title or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

21. The assessor shall by advertisement posted up in at ^{Sale} least three public places in the city near to the distrained property give at least seven days public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the assessor shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary.

22. If the property distrained has been sold for more than ^{Surplus, return of} the amount of the taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

23. If the claim is made by the person for whose taxes the ^{Surplus, claim to} property was distrained and the claim is admitted the surplus shall be paid to the claimant.

24. If the claim is contested the surplus shall be retained ^{Contested claim} by the assessor until the respective rights of the parties have been determined by action or otherwise.

Reasons for
noncollection

25. If any of the taxes mentioned in the roll remain unpaid on the thirty-first day of December in any year and the assessor is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "*nonresident*" or "*not sufficient property to distrain*" or "*instructed by council not to collect*" or "*instructed by council to return not collected*," or as the case may be.

TITLE XXXIV.

SALE OF LAND FOR TAXES.

List and
advertisement

1. Whenever any portion of taxes on any land has been due for one year calculated from the 31st day of December of the year on which the same was imposed the assessor shall prepare a list of all the lands on which taxes are so due with the amount of the arrears against each lot set opposite to the same and the name and address of the owner if known and shall include therein a separate column a statement of the proportion of costs chargeable on each lot for advertising and the sum of twenty-five cents for each parcel advertised for sale and the mayor and secretary-treasurer shall authenticate such list by affixing thereto their signatures and the seal of the city and the secretary-treasurer shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the city and for the next following five consecutive weekly issues of said newspapers preceding the day of sale therein named shall publish a notice therein in form following:

Sale of lands in the city of Edmonton for arrears of taxes.

Notice is hereby given that certain lands in the city of Edmonton will be offered for sale for arrears of taxes (*stating the day, time and place where and when the said lands are to be sold and the dates of the issues of said newspaper in which a full list of said lands may be found*).

contents

2. The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid the secretary-treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement.

Particulars

3. Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes.

Omissions

4. All the lots liable for sale shall be included in the same statement and notice but any neglect or omission to include

any lands liable for sale in said list shall not be held to invalidate the sale or prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon.

5. The day of sale shall not be more than forty days after the last publication as hereinbefore provided and the sale shall take place at such place in the city as the council shall from time to time by resolution appoint and in the absence of such appointment at such place in the city as the secretary-treasurer in his said notice shall name. Time of sale

6. The secretary-treasurer may adjourn the sale from time to time provided always that no such adjournment shall be for a period exceeding fifteen days. Adjournment

7. At the place, day and hour appointed for the sale of lands (if the taxes thereon including costs and charges have not previously been paid) the secretary-treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for. Sale by auction

8. If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the secretary-treasurer shall there and then sell the same to the city at the upset price. Sale to city

9. If the land sells for a greater sum than the taxes due together with all the charges thereon the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of the said land shall have expired without the same having been redeemed within the time limited and if the said balance of purchasing money shall not be so paid by the purchaser, or his assigns within the time above prescribed he and they shall forfeit all claims to the said land and to any transfer thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale. Surplus purchase price

10. If the purchaser of any parcel of land fails immediately to pay the secretary-treasurer on account of the said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale. Default of purchaser

11. The secretary-treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the Certificate of sale

total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the secretary-treasurer or his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed and upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer.

12. The purchaser shall on receipt of the secretary-treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which the lands may be redeemed. But he shall not knowingly permit any person to cut any trees or under-wood growing upon the land or otherwise injure the same nor shall he do so himself but he may make any other use of the land which will depreciate its value. The purchaser shall not be liable for any damage done to the land without his knowledge while the certificate of sale is in force.

Return of sales

13. A statement of the land so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made and signed by the secretary-treasurer in duplicate and may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired.

Redemption

14. The owner of any land which may hereafter be sold for taxes or his assigns for any other person on his or their behalf but in his or their name only may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the secretary-treasurer before the hours of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per cent. thereon and any further sum which shall have been levied against said land and paid by the purchaser before date of redemption and the secretary-treasurer shall give the party paying such redemption money a receipt stating the sum paid and the objects thereof and such receipt shall be evidence of the redemption.

Dates

15. For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day.

Effect of redemption

16. From the time of payment to the secretary-treasurer of the full amount of redemption money required by this Ordinance all rights and interests of the purchaser shall cease.

17. Whenever such redemption is effected by a person not specially authorized by the owner or his assigns the secretary-treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same and the name of the person on whose behalf the payment is made; and every redemption receipt shall be made out in duplicate; one copy shall be given to the person paying the redemption money and one shall remain on file in the office of the secretary-treasurer. Payment by
third party

18. The secretary-treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and of the amount of money paid in for such purposes. Notice to tax
purchaser

19. If the land be not redeemed within the period allowed by this Ordinance then on demand of the purchaser or his assigns at any time within one month after the expiration of the time limited for the redemption upon payment of the balance of purchase money as aforesaid and of the further sum of \$2 the secretary-treasurer shall prepare and execute and deliver to him or them a transfer of the land sold; provided that any land sold to the city under the provisions of this Ordinance as hereinafter provided shall be transferred to the city by the secretary-treasurer immediately on the expiration of the time allowed for the redemption without charge; such transfer shall state the date and cause of sale and the price and shall have the effect of vesting the land in the purchaser or his assigns in the fee simple or otherwise according to the nature of the estates sold and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear. Such transfer shall be in the form following or to the like effect: Transfer on
nonredemption

TRANSFER OF LAND ON SALE FOR TAXES.

I, _____ of the _____ in
the North-West Territories, secretary-treasurer of the city
of _____ by virtue of the authority vested
in me by The Edmonton Charter to sell lands for arrears of
taxes do hereby in consideration of the sum of
_____ dollars paid to me by _____ of
being the price for which the said land was sold at a sale by
me on the _____ day of _____ 19 _____ for
arrears of taxes due on the said land to the said city, transfer
to the said _____ all that piece of land
being _____

In witness whereof I have hereunto set my hand and the corporate seal of the said city this day of

19

Signed by the above named

in the presence of

Affidavit of witness to be indorsed on transfer.

CANADA,
North-West Territories.

To wit:

I

of

(residence)

in the North-West Territories,
(occupation) make oath and say:

1. I was personally present and did see

named in the within instrument who is personally known to me to be the person named therein, he being the secretary-treasurer of the city of Edmonton duly sign and execute the within instrument for the purpose named therein;

2. That the said instrument was executed at Edmonton in the said Territories; and that I am the subscribing witness thereto;

3. That I personally know the said

and he is in my belief of the full age of

twenty-one years.

Sworn before me at

in the North-West Territories

this

day of

19

Effects of
transfer

20. Such transfer shall not only vest in the purchaser or his assigns as the case may be all rights of property which the original holder had therein; but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the city or crown; and whenever lands are sold for arrears of taxes and the secretary-treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown; and every such transfer shall at the expiry of one year from the date thereof be conclusive evidence of the assessment and valid charge of the taxes on said land therein described; also that all the steps and formalities necessary for a valid sale had been taken and observed as provided by this Ordinance in that behalf; and thereafter such sale and transfer shall only be questioned or set aside on the following grounds and no other:

(a) That the sale was not conducted in a fair, open and proper manner;

- (b) That there were no taxes whatever in arrear for which the said land could be sold;
- (c) That the said land was not liable to be assessed for taxes.

21. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognize or admit that any person possesses under any colour of right whatever; and

Land in which Crown is interested

(2) The city in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the secretary-treasurer and legal interest thereon as for damages or otherwise; but the tax-purchaser or his assigns shall have a lien on the lands for the purchase money paid by the purchaser with interest thereon at ten per cent per annum, and also for any rates or taxes paid by him or his assigns since the sale with interest at the rate aforesaid from the date when the same were so paid.

Invalid sale

22. The secretary-treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in the account the amount received over the taxes and charges from the purchaser of any lots sold by him against said lot with date of sale and of receipt of balance and the aggregate amount so received shall form a fund to be called the tax sales fund, and the secretary-treasurer shall in the month of January in each year and on request at any other time furnish a statement to the council giving the particulars respecting such fund and whenever any portion of such fund shall have remained in the hands of the secretary-treasurer for six years from the day of sale of the land of the purchase money of which it forms a part without any notice of claim or order for payment having been served on him as herein-after provided said portion or sum so remaining unclaimed shall be forfeited and thereafter be the absolute property of the city and the said city shall for ever be discharged from any claim on account thereof.

Tax sale fund

23. Any person claiming to have been the owner or legal representative of the owner or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realized more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale fund or any portion thereof specified in the order hereinafter mentioned provided that written notice is served upon the secretary-treasurer previous to the time limited for forfeiture and upon producing and leaving with the secretary-treasurer within six months from the date of service of such

Interpretation s

notice of claim an order signed by a judge reciting that it had been proved to the satisfaction of the said judge that the claimant was at the time of sale the lawful owner of the land in respect to which claim is made or was or is the legal representative of the said owner or otherwise interested in the said land and requiring the city to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of said tax sale fund shall be kept by the secretary-treasurer and shall be the warrant and authority for making such payment.

Judge's order

24. In seeking to obtain a judge's order any claimant upon said fund shall in person or by advocate petition the judge in writing for that purpose describing the land sold and setting forth the particulars of said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge, and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the city or publish the same in any manner he may deem proper or to substantiate his claim in any other manner and the judge may in his discretion order said money to be paid into the Supreme Court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the secretary-treasurer.

Fees

25. The same fees shall be paid upon an application made under the last preceding section as are payable in respect of other applications in chambers for a judge's order in any suit or procedure.

Costs

26. In any case where the judge deems it advisable to order notice to be served upon the city he shall in the final decision of the question if the claimant is successful order the costs of the city to be paid out of the fund in question and in case the claimant fails shall order execution to issue against him from the said court after taxation for the costs of the city.

Effect of making claim

27. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the land in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax

sale and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid.

28. In case of any action or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale being the time within which only any such action can be brought or proceeding taken for that purpose, the plaintiff shall within ten days after commencing his action or proceeding cause the secretary-treasurer to be notified in writing of the fact of his action or proceeding having been commenced and the secretary-treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of any judge or court before whom the said action or proceeding shall or may be tried and in case the plaintiff succeeds the judge or court shall order said surplus repaid to defendant, the tax sale purchaser or his proper representative, and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the judge or court that he was at the time of sale the lawful owner of said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance then in such case the judge or court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of the defendant as he may have been ordered to pay.

(2) The provisions of this and the next preceding section are hereby declared applicable only to lands for which certificates of title have not been granted.

29. In no case shall the city be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom in any way further than in case of sale held void by a competent Court refunding to the purchaser the amount of money actually received with legal interest.

TITLE XXXV.

LOCAL IMPROVEMENTS.

1. The term "local improvements" shall be taken to mean: Interpretations

- (a) The opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley way or place; or
- (b) The constructing of any sidewalk, bridge, culvert or embankment forming part of a highway; or

- (c) The curbing, sodding, boulevarding or planting of any street or public lane, alley, square or other public place; or
- (d) The making, deepening, enlarging or prolonging of any common sewer; or
- (e) The construction of any conduit for wires or pipes along any roadway, street, lane, alley, square, or other public place; or
- (f) The sweeping or watering of any street, park, alley or other public place; or
- (g) The cutting of grass or weeds or the trimming of trees or shrubbery within any defined area of the city; or
- (h) The reconstructing but not the mere repair and maintenance of any of the said works during the originally estimated lifetime thereof; or
- (i) The repair and maintenance thereof after the lapse of the originally estimated lifetime thereof.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made.

- (a) Provided that where the street or place whereon or wherein the local improvement is made abuts on several parcels of land some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement, such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bear a fair just and equitable proportion of the cost of the improvement; and
- (b) Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon such sewer would not have been carried along such street or place

except as a means of affording an outlet as aforesaid such lot or lots, parcel or parcels of land shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances;

- (c) Provided that in case of sewers if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the municipal account relating to sewers; but land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption; and

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of a local improvement whether or not such land abuts on the street or place whereon or wherein such local improvement is made as is increased or is likely to be increased in market value or is otherwise benefited by reason of local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion having regard to all other parcels of land benefited by the local improvement to such total charge.

(4) The term "cost" in relation of a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the moneys to pay the cost thereof including discounts and interests.

(5) The cost of extensions from time to time of waterworks or sewers shall be borne by the municipality at large and by the lots or parcels of land fronting or abutting on the street or place whereon or wherein the extension runs in the same proportions as nearly as the circumstances will admit of obtained in the case of the original establishment of the system.

Amount of
assessment
and mode of
collection

2. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding six per cent. per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable in the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general municipal taxes; provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

procedure
bylaws

3. The council may pass bylaws—

- (a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion if any shall be borne by the municipality at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost as the case may be either by way of special frontage assessment or by way of special local benefit assessment.

And it is hereby declared that a bylaw or bylaws of general application for the said purpose shall be sufficient and it shall not be necessary to pass a special bylaw in each particular instance.

- (b) For borrowing by the issue of debentures upon the credit of the municipality at large the moneys required to meet the whole or any part of the cost of any local improvement provided (1) that bylaws for the purpose of raising moneys in respect of a local improvement may be passed comprising either the

whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the municipality at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is to be borne by the municipality at large or of that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of ratepayers to the passing of any bylaw for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any bylaw for raising such portion of the costs as it is to be borne by the municipality at large of an extension of a municipal system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such local improvement the share of the cost to be borne by the municipality at large shall be greater than can be properly paid out of the current revenue of the city for the current year; and (4) that nothing herein contained shall be construed as authorizing an extension of the general debt of the city beyond the limits thereof fixed by this Ordinance.

- (c) For borrowing by way of temporary loans within the restriction aforesaid on the credit of the municipality at large the whole or any part of the cost of a local improvement provided that clause of subsection (1) of section 3 of Title XXII shall not apply to the case of such temporary loans.

And it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessment therefor form no part of the general debt of within the meaning of this local improvement debt so secured by special assessment in any bylaw for borrowing money but it shall be sufficient to state in any such bylaw for borrowing money that the amount of the general debt of the city as therein set forth is exclusive of local improvement debts secured by special assessments.

4. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit assessment shall be undertaken except pursuant to petition or notice as hereinafter provided.

1. (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is made or of lands to be benefitted by the local improvement as the case may be and

representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition;

- (b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part, provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by as the case may be the part of the local improvement which is made.

2. (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority owners of the lands to be affected representing at least one-half in value thereof as aforesaid petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement; such notice to be inserted once in each week for two weeks in at least one newspaper published therein; and if not then in a newspaper published nearest to the proposed local improvement;

- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year.

(c) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

Time of
making
improvement

5. Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

6. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded ratably to those by whom it was paid. Invalid assessment

7. There shall be a right of appeal against every assessment made under the authority of any bylaw passed under this title of this Ordinance to the commissioners; and from them to the council in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment. Appeal

8. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth: Notice of assessment

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of local improvement;
- (d) The portion if any of the cost to be borne by the municipality at large;
- (e) The portion of the cost to be provided by special assessment; and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the commissioners for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

9. A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum. Evidence of

10. No assessment under the provisions of this part of this Ordinance shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of Title XXV of this Ordinance and before the date fixed for the sitting of the court of revision. Quashing

Decision of
commissioners
and council

11. The decision of the council (subject to an appeal to a judge by the like procedure and as in like cases under *The Municipal Ordinance*) shall be final and conclusive upon all matters respecting the assessment and special rate and the council and judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

Contents of
bylaw

12. The moneys required to pay the cost of local improvements may be borrowed under the authority of one or more bylaws; and the portion payable by way of special assessment and the portion to be borne by the municipality at large may be provided for in one or more separate bylaws; and every bylaw providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise.

1. The amount of the debt which such bylaw is intended to create and the object in general terms for which it is to be created;

2. The total amount required to be raised annually for paying the debt and interest under this bylaw and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;

3. The total value of the land charged with the special assessment and if any portion of the debt created by such bylaw is to be borne by the municipality at large, the value of whole rateable property of the city according to the last revised assessment roll;

4. That the debt is contracted on the credit and security of the municipality at large; but as to so much as is not to be paid by the municipality at large the city is to collect the same only by way of special assessment as aforesaid.

13. In the case of any bylaw heretofore passed by the town of Edmonton or hereafter passed by the city for the purpose of borrowing by way of debentures the money required to pay the cost or part of the cost of a local improvement the same shall be valid and binding notwithstanding any defect of form or substance therein or in the proceedings prior thereto or in the passing thereof except upon an application to quash the same made within two months of the passing thereof and any debentures purporting to be issued under the authority thereof shall be valid and binding notwithstanding any defect of form or substance therein provided that the amount of the principal and the rate of interest be as set forth in the bylaw and that the payment of the principal or instalment thereof or sinking fund therefor as the case may be (with the accrued interest) be not deferred longer than one year beyond the period originally fixed as the estimated lifetime of the local improvement.

TITLE XXXVI.

PENALTIES.

1. Where any fine or penalty is imposed by this Ordinance then if the provision of Part LVIII of *The Criminal Code* 1892 do not apply and if no other mode is prescribed for the recovery thereof the same may be recovered with full costs by civil action in the Supreme Court at the suit of the city or at the suit of a private party (suing as well for the city as for himself;) and unless other provision is made for the appropriation of the penalty one-half thereof shall belong to the city and the other half to the private plaintiff if any there be and (if there be none) the whole shall belong to the city. Mode of recovery

2. The council may by any bylaw—

1. Impose a penalty not exceeding \$100.00 exclusive of Amount of penalty, etc. costs for breach of any provision of any bylaw;

2. Enact that in case the conviction be for the nonpayment of any license fee payable to the city under the provisions of any bylaw of the city the convicting magistrate may adjudge payment thereof in addition to the penalty.

3. Any such penalty and license fee may (unless other provision is specially made in respect thereof) be recovered and enforced with costs by summary conviction before any justice of the peace having jurisdiction in the city and upon default of payment the person convicted may be committed to jail or to the guardroom of the North-West Mounted Police force or to any public lockup for any time determined by the said justice not exceeding thirty days and with or without hard labour unless such penalty, license fee and costs including the costs of the committal and of the conveyance of the person convicted to the said jail, guardroom or lockup are sooner paid. Recovery

(1) In every case the whole of the penalty and license fee (if any) shall be adjudged to the city.

(2) The following form in any such case shall be sufficient

City of Edmonton } BE IT REMEMBERED that on the day
To wit: } of A.D. 19 at the
city of Edmonton, C.D. is convicted before the undersigned,
one of His Majesty's Justices of the Peace, for that the said
C.D. (*stating the offence and the time and place thereof*) con-
trary to a certain bylaw of the said city, passed on the
day of A.D. 19 and intituled (*reciting the title*
of the bylaw) and I adjudge the said C.D. for his offence to
forfeit and pay to the city of Edmonton the sum of
dollars to be paid and applied according to law and also to
pay to the said city the sum of dollars for the

license fee payable by the said *C.D.* under bylaw No. _____
 and to the said *E.F.* the sum of _____ dollars for
 his costs in this behalf.

And unless the said several sums are paid on or before the
 day of _____, 19____, I do order
 that the said *C.D.* be imprisoned in the city lockup (*or as the
 case may be*) for the space of _____ days unless the
 said several sums together with the costs of the committal and
 conveyance of the said *C.D.* to the said lockup (*or as the case
 may be*) are sooner paid.

Given under my hand and seal at the city of Edmonton the
 day and year first above written.

(L.S.)

A.B.,
 J.P.

TITLE XXXVII.

MISCELLANEOUS.

Extention of
 time

1. Where in this Ordinance a certain date is fixed on or by
 which certain things are to be done or proceedings had if it
 appears that such date was fixed having regard to an earlier
 date fixed on or by which certain other things are to be done
 or proceedings had; then notwithstanding anything herein-
 before contained if default be made in respect of the earlier
 date a like delay shall be allowed in respect of the later date.

Alteration of
 certain money
 bylaws

2. The council may by bylaw increase the rate of interest to
 a rate not exceeding five per centum per annum payable upon
 any debentures issued or to be issued in pursuance of any
 bylaw of the town of Edmonton heretofore passed provided
 such debentures yet remain unsold and where any such bylaw
 provides for the payment of interest yearly may by bylaw make
 such interest payable half yearly.

3. This Ordinance shall take effect on and from the seventh
 day of November, 1904.

SCHEDULE A.

1900

CHAPTER 35.

An Ordinance respecting certain kinds of contemplated Municipal Public Works for the Town of Edmonton.

[Assented to May 4, 1900.]

[As amended by Chapter 15 of 1902 and Chapter 32 of 1903, (Second Session)].

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. This Ordinance may be cited as "*The Edmonton Municipal Public Works Ordinance.*" Short title

WATERWORKS AND SEWERS.

2. The corporation of the town of Edmonton hereinafter called the corporation shall have power to construct, build, purchase, improve, extend, hold, maintain, manage and conduct waterworks and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighborhood thereof as hereinafter provided and either in connection with waterworks or not a system of storm sewers or sanitary sewers or both. Corporation may construct waterworks and sewers

3. The corporation shall have power to employ such engineers, surveyors and other persons and to rent with such conditions, covenants and stipulations as the corporation shall deem requisite or necessary or purchase at the option of the corporation such lands and buildings, waters and privileges as in their opinion may during the construction or at any future time be necessary or expedient to enable them properly to carry out the purposes of this Ordinance. Powers

4. The corporation, their engineers, servants and workmen from time to time and at such times as the corporation shall see fit may enter into and upon, take or use the land of any person, bodies politic or corporate in the municipality or within ten miles thereof and may survey, set out and ascertain such parts thereof as are required for the purposes of the waterworks or sewers and may contract with the owner or Power to enter upon and acquire land

occupier of the said lands and any person having a right or interest in any water for the purchase or renting thereof or of any part thereof or of any privilege that may be required for the purpose of the waterworks or sewers at the option of the corporation.

Construction
of necessary
works

5. The corporation may construct, erect and maintain in and upon any lands acquired under the provisions of this Ordinance all reservoirs, waterworks and machinery requisite for the undertaking and for conveying the water thereto and therefrom in, upon and through any lands lying intermediate between said reservoirs and waterworks and the rivers, ponds and springs, streams or waters from which the same are procured and the municipality by one or more lines of pipes as may from time to time be found necessary or expedient.

Power to
enter upon
intermediate
lands

6. The corporation and their servants under their authority may for the said purposes enter and pass upon and over the said lands intermediate as aforesaid and the same may cut and dig up if necessary and may lay down the said pipes through the same and in, upon, through, over and under the highways, streets, lanes, roads or other passages intermediate as aforesaid and may for the purpose of such waterworks enter and pass upon and over such lands as the corporation may deem expedient and the same may cut and dig up if necessary and may lay sewers through the same and in through, over and under highways, streets, lanes, roads and other passages.

(2) All lands not being the property of the municipality and all highways, roads, streets, lanes or other passages so dug up or interfered with shall be restored to their original condition without unnecessary delay.

(3) The corporation may enter upon, set out, ascertain, purchase, use and occupy such parts of the said lands as the said corporation may think necessary and proper for the making and maintaining of the said works or for the opening of new streets required for the same; and for the purchasing of said lands required for the protection of the said works or for preserving the purity of the water supply or for taking up removing, altering or repairing the same and for distributing water to the inhabitants of the community or for the uses of the corporation or for the proprietors or occupiers of the land through or near which the same may pass.

Power to
lay pipes

7. For the purpose of distributing water or for the purpose of sewerage as aforesaid the said corporation may sink and lay down pipes, tanks, reservoirs and other conveniences and may from time to time alter all or any of the said works as well in the position as in the construction thereof as they may deem advisable.

Property
vested in
corporation

8. All works, pipes, erections and machinery requisite for the undertaking shall be vested in and be the property of

the corporation of the municipality constructing the said works.

9. Service pipes or sewers which may be required shall be constructed and laid down up to the outer line of the street by the corporation and the corporation shall be solely responsible for keeping the same in repair. Service pipes or sewers

(2) In cases where vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken or with which the sewer is to be connected the corporation may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of the premises or the owner himself may lay service pipes or sewers provided the same is done to the satisfaction of the corporation or person appointed by them in that behalf.

(3) The expense incidental to the laying and repairing as hereinafter provided of the service pipes or sewers if laid or repaired by the corporation (except the repairing of the service pipes or sewers from the main pipe to the outer limit of the street as aforesaid which shall be borne solely by the corporation) or of superintending the laying or repairing of the same if laid or repaired by any other person shall be payable by the owner on demand to the corporation or if not paid may be collected forthwith in the same manner as water rate provided that in no case shall the expense of superintending the laying or repairing of such service if laid or repaired by any other person as aforesaid exceed \$2.

10. The service pipes or sewers from the line of street to the interior face of the outer walls of the building supplied together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under their control; and if any damage is done to this portion of the service pipe or sewer or its fittings either by neglect or otherwise the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the corporation; and in default of his so doing whether notified or not the corporation may enter upon the lands where the service pipes or sewers are and by their officers, agents or servants repair the same and charge the same to the owner of the premises as hereinbefore provided. Service pipes and sewers to be under control of corporation

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes and to prevent the flooding of the premises.

(3) Parties supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation.

Inspection of
premises

11. Any person authorized by the corporation for that purpose shall have free access at proper hours of the day and upon reasonable notice given and request made or in case of the written authority of a commissioner given in respect of the special case without notice to all parts of every building or other premises in which water is delivered and consumed or which is served by a sewer for the purpose of inspecting or repairing as aforesaid or for placing meters upon any service pipe or connection within or without any house or building as they may deem expedient; and for this purpose or for the purpose of protecting or of regulating the use of such meter may set or alter the position of the same or of any pipe, connection or tap; and may fix the price to be paid for the use of such meter and the times when and the manner in which the same shall be payable and may also charge for and recover the expenses of such alterations; and such price and expense of such alterations may be collected in the same manner as water rates.

Regulation of
use of water
and of rates

12. The corporation shall regulate the distribution and use of the water in all places and for all purposes where the same may be required and from time to time may fix the prices for the use thereof and the time of payments; and they may erect such number of public hydrants and in such places as they shall see fit and direct in what manner and for what purposes the same shall be used all which they may change at their discretion and may fix the rate or rent to be paid for the use of water by hydrants or fire plugs and public buildings.

(2) The sum payable by the owner or occupant of any house, tenement, lot or part of a lot for the water supplied to him there or for the use thereof and all rates, costs and charges by this Ordinance to be collected in the same manner as water rates shall be a preferential lien and charge on the house, tenement, lot or part of a lot; and may be levied and collected in like manner as municipal rates and taxes are by law recoverable.

Power to make
and enforce
bylaws for
maintenance
and
management
of works and
collection of
rates

13. The corporation may from time to time make and enforce bylaws, rules and regulations for the general maintenance or the management or conduct of the waterworks and of the officers and others employed in connection with them not inconsistent with this Ordinance and for the collection of the water rates and for fixing the time and times when and the places where the same shall be payable.

(2) And also for allowing a discount for prepayment and in case of default in payment may enforce payment by shutting off the water or by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the owner or occupant or of any goods and chattels in his possession wherever the same may be found within ten miles of the property in respect of which the water rate is payable

or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises; but where the arrears exceed three months no distress shall be made of any goods and chattels which are not the property of the person liable for the water rate.

(3) The distress and sale may be conducted in the same manner as distress sales are conducted for arrears of taxes and the cost chargeable shall be those payable under *The Ordinance respecting Distress for rent and Extra-judicial Seizure*.

14. The corporation shall have power to employ the ordinary collectors and assessors and such other persons as in their opinion may be necessary to carry out the objects of this Ordinance and to specify their duties and to fix their compensation and all such persons shall hold their offices at the pleasure of the corporation or as the corporation shall determine by bylaw in that behalf; and shall give security as the corporation shall from time to time require; and such assessors and collectors shall have full power in the performance and enforcement of the matters to them committed as the assessors and collectors of the municipality may by bylaw possess and enjoy in respect of municipal taxes.

Power to
employ
collectors and
others

15. The corporation of the municipality shall not be liable for damages caused by the breaking of any service pipes or attachment or for any shutting off of any water to repair mains; provided that reasonable notice of the intention to shut off the water shall be given whenever the same is intended to be shut off for more than six hours at any one time.

Nonliability
for breakage
or stoppage

16. The said corporation shall have power and authority to supply with water upon special terms any person or corporation outside the municipality and may exercise all other power necessary to the carrying out of the agreement with such corporation or person as well within the suburbs as within the municipality; and they may also from time to time make and carry out any agreement which they may deem expedient for the supply of water to any railway company or manufactory; provided that where such water is to be supplied in another municipality which itself possesses waterworks no pipes for this purpose shall be carried in, upon, through, over or under any highway or public street, lane, road or passage within such other municipality without the consent of the council of such municipality; in such case the agreement may be for a term of years or otherwise as may be agreed upon.

Power to
supply water
outside the city

17. The corporation may make such bylaws as to the council may seem requisite for prohibiting by fine not exceeding \$20 and costs any person being tenant, occupant or inmate of any house, building or other place supplied with water from the waterworks for lending, selling or disposing of the water thereof from giving it away or permitting it to be taken or

Power to
make bylaws
prohibiting
wrongful use
of water and
regulating
supply

carried away or from using or applying it to the use or benefit of others or to any other than his, her or their own use and benefit or from increasing the supply of water agreed for with the corporation or from wrongfully neglecting or improperly wasting the money.

(2) Any may also make bylaws regulating the time, manner, extent and nature of the supply by the works to the tenement or parties to which and to whom the same shall be furnished the price or prices to be exacted therefor and each and every other matter or thing related to or connected therewith which it may be necessary or proper to direct, regulate or determine in order to secure the inhabitants of the municipality a continued and abundant supply of pure and wholesome water and to prevent the practising of frauds upon the corporation with regard to the water so supplied.

(3) The amount of the fine, the duration of the imprisonment and also the option between fine and imprisonment shall be in the discretion of the justice of the peace before whom any proceedings may be taken for the enforcement of such bylaw.

Petition for
construction
of waterworks

18. In case a petition signed by two-thirds of the resident ratepayers of the municipality qualified to vote on bylaws requiring the assent of the electors is presented to the council of the corporation asking for the construction of waterworks under the powers conferred on the corporation by this Ordinance—

1. It shall be the duty of such council to submit a bylaw for the construction of such waterworks to the vote of the ratepayers of the corporation and such council shall forthwith prepare a bylaw directing the submission of the question in accordance with the prayer of the petitioners or in such form as may be approved by the vote of two-thirds of the members of such council and shall submit the same to the vote of the ratepayers within six weeks after the receipt of the petition by the council.

2. The power of the municipal council shall not be deemed to be abridged by this Ordinance except as expressly stated herein;

3. The proceedings in taking the vote and the persons having the right to vote shall be the same as nearly as may be as are required by *The Municipal Ordinance* in case of bylaws creating debts.

If bylaw
approved
council to
construct work
works

19. If the bylaw be approved of by two-thirds of the duly qualified ratepayers voting thereon it shall be the duty of the council to pass the bylaw and forthwith to proceed in the construction of the works; provided always that the council may for any good cause if deemed expedient by a vote of two-thirds of its members hold the works in abeyance until after the next general municipal election.

LIGHTING, HEATING AND POWER WORKS.

20. The corporation shall have power to manufacture and supply for the use of the corporation and of all persons gas (including natural gas) for heating, cooking and all other purposes for which gas can be used and to manufacture and supply electric, galvanic or any other artificial light or heat or power either in connection with gas or otherwise; and for these purposes shall have power to construct, purchase, improve, extend, hold, maintain, manage and conduct any works which they may deem requisite; and shall have power to acquire any patent or other rights for the manufacture or production of any artificial light or heat or power; and also to supply, sell or lease all fittings, machines, apparatus, meters or other things for the purposes aforesaid.

Corporation
may construct
gas works, etc.

(2) The corporation may sell or dispose of coke, tar and every product refuse or residue obtained in or from their said works and any surplus coal they may have on hand.

(3) The corporation shall have power to rent or purchase such lands and buildings as they deem necessary or advantageous for the purposes aforesaid.

21. The corporation or their servants under their authority may for the purpose of laying down, taking up, examining or keeping in repair the pipes or wires used for conducting the gas, electricity or other means of producing light or heat or power, break up, dig and trench in, upon, through, over and under the highways, streets, lanes, roads, squares and other public passages and places in the municipality; or with the consent of the owner in, upon, through, over or under any private property; or may upon poles or otherwise conduct such wires and rods along and across such streets, lanes, roads, squares and other public passages and places or with the consent of the owner upon private property.

Corporation
may break up
streets and

22. Where there are buildings within the municipality different parts whereof belong to different proprietors or are in possession of different tenants or lessees the corporation may carry pipes, wires or rods to any part of any building so situate passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas, electricity or other means of providing light or heat or power to the property of another or in the possession of another.

May carry
pipes and
wires through
parts of
buildings

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same inside.

23. The corporation may also break up and uplift all passages common to neighbouring proprietors or tenants and dig or cut trenches therein for the purpose of laying down pipes or wires or taking up or repairing or examining the same do-

May also break
up passages

ing as little damage as may be in the execution of the powers hereby conferred and restoring such passages to their original condition without unnecessary delay.

Public health
and safety not
to be
endangered

24. The corporation shall construct their gas and other works and all apparatus and appurtenances thereunto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety.

Corporation
to supply
buildings on
request

25. Where the corporation has constructed any works for supplying the municipality with light, heat or power as hereinbefore provided and where there is a sufficient supply thereof it shall be the duty of the corporation to supply all buildings within the municipality situate upon land lying along the line of supplies upon the same being requested by the owner, occupant or other person in charge of any such building at the customary charges and on the customary terms.

Powers to
make bylaws
for
maintenance
and
management
of works and
collection
of rates

26. The corporation may from time to time make and enforce all necessary bylaws, rules and regulations for the general maintenance and management of all the works constructed or maintained under this Ordinance; and of the officers or others employed in connection with them; and for the collection of the rates and charges for supplying gas or electricity or other means of providing light or heat or power hereunder and for the rent of fittings, machines apparatus meters or other things leased to consumers; and for fixing such rates, charges and rents; and the times and places when and where the same shall be payable; and the corporation may allow for prepayment or punctual payment such discount as they may deem expedient.

Power to
enforce
payment of
rates

27. The corporation may enforce payment of such rates, charges or rents by action in any court of competent jurisdiction or by distress and sale of the goods and chattels of the person owing such rates, charges or rents wherever the same may be found in the municipality in which the gas, electricity or other means of providing light, heat or power is supplied.

(2) Such distress and sale shall be conducted in the same manner as distress sales are conducted for arrears of taxes and the costs chargeable shall be those payable to bailiffs under *The Ordinance respecting Distress for rent and Extra-judicial Seizure*.

(3) Where any consumer discontinues the use of gas or other means of providing light or heat or power furnished by the corporation or the corporation lawfully refuses to continue any longer to supply the same the officers and servants of the corporation may at all reasonable times enter the premises in or upon which such consumer was supplied with gas or the means of providing light or heat or power for the purpose of removing therefrom any fittings, machines, apparatus, meters,

pipes or other things being the property of the corporation in or upon such premises and may remove the same therefrom doing no unnecessary damage.

28. The corporation may under a bylaw of an adjoining municipality exercise the like powers within the adjoining municipality as it may under this Ordinance within its own municipality upon such terms as may be agreed upon; and the corporation of the adjoining municipality may either require to be paid a sum in gross or annually for such privilege or may pay a sum in gross or annually therefor.

Powers to
extend works
beyond city

29. In case any person, firm or company has laid down main pipes for the supply of gas in or through any of the streets, squares or public places of the municipality the corporation shall not without the consent of such person, firm or company first had and obtained nor otherwise than upon payment to such persons, firm or company of such compensation as may be agreed upon lay down any main pipe for the supply of gas within six feet of the main pipes of such person, firm or company or if it be impracticable to cut drains for any such main pipes at a greater distance then as nearly six feet as the circumstances of the case will admit. This section is subject to any antecedent agreement between such person, firm or company and the municipal corporation.

Restrictions
when mains
already
existing

GENERAL.

30. The corporation shall do as little damage as may be in the execution of the powers by this Ordinance granted to them and shall make reasonable and adequate satisfaction to the owners, occupiers or other persons interested in the land, waters, rights or privileges entered upon, taken or used by the corporation or injuriously affected by the exercise of its powers; and in case of disagreement the compensation or damages shall be ascertained as provided in like cases in *The Municipal Ordinance*.

No unnecessary
damage to
be done

31. The attempt to collect any rates by process hereinbefore mentioned shall not in any way invalidate the lien on the premises as hereinbefore provided.

Attempts to
collect rates
not to
invalidate
lien

(2) In event of the rate remaining uncollected and unpaid and continuing a lien upon the said premises as aforesaid the amount of the rate so in arrears shall be returned by the collectors to the secretary-treasurer of the municipality annually on or before the eighth day of April in each and every year or such other time as may be fixed by the corporation by bylaws in that behalf; and the same together with interest at the rate of ten per cent. per annum thereon shall thereupon be collected by the secretary-treasurer by the sale of the lands and premises in the same manner and subject to the same

provisions as in case of the sale of lands for arrears of municipal taxes for the time being.

Protection
and power
of officers

32. The corporation and their officers, agents and servants shall have the like protection in the exercise of their respective offices and the execution of their duties as public officers have under the laws of the Territories and the watchman and other officers of the corporation when in the discharge of their duties shall be *ex officio* possessed of all powers and authority of constables.

Property
exempt from
execution

33. All materials procured or partly procured under contract with the corporation and upon which the corporation shall have made advances in accordance with such contract shall be exempt from execution.

Property
exempt from
taxation

34. The lands, buildings, machinery, reservoirs, pipes, poles, wires, rods, meters, fittings and all other real or personal property connected with or appertaining or belonging to any work under this Ordinance shall be exempt from taxation for municipal, school or other purposes.

Property
exempt from
seizure for
distress

35. No property owned by the corporation under the authority of this Ordinance shall be liable to seizure by way of distress for rent.

Powers to sell
property when
no longer
required

36. The corporation may dispose of any real or personal property acquired by them for the purpose of this Ordinance when no longer required and until sold may rent or lease the same; any property so sold shall be free from any charge or lien on account of any mortgage, bonds, debentures or other securities issued by the corporation; but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any such securities constituting a charge thereon; but may be reinvested in similar property under the authority of this Ordinance which substituted property shall immediately upon its being acquired be and become subject to such securities as the property sold was subject to; or should no such securities then exist then the said proceeds shall form part of the general funds of the corporation and may be applied accordingly.

(2) In case credit is given for any portion of the purchase money of such real property the corporation may take security by way of mortgage to secure the same and the corporation shall have all the rights, powers or remedies expressed in or implied by any mortgage given as fully as if the mortgage had been given to a private person; and every such mortgage and the proceeds thereof shall be subject to the provisions of the first subsection of this section.

No member
of council to
be interested
in any
contract

37. No member of the council of the municipality shall personally have or hold any contract in connection with any works under this Ordinance or be directly or indirectly inter-

ested in the same or any of them; but no person shall be held to be disqualified from being elected or sitting as a member of the council of the corporation by reason of his being a taker or consumer of water, light, heat or power supplied by the corporation or by reason of any dealing or contract with the corporation with reference to the supply of water, light, heat or power to such person.

38. All persons and corporations who shall by themselves, their servants or agents by act, default, neglect or omission occasion any loss, damage or injury to the public works constructed under the provisions of this Ordinance or to any plant, machinery, fitting or appurtenances thereof shall be liable to the corporation for or in respect of such damage, loss or injury and damages in respect thereof may be recovered by the corporation in any court of competent jurisdiction.

Liability of persons doing damage

39. The corporation may purchase or lease any works constructed for the supply of water, light, heat and power within or in the neighborhood of the municipality and being the property of any person or company and under the provisions of this Ordinance may improve or extend such works.

Power to purchase or lease existing works

40. If any person does or commits any of the following acts—

Penalties

1. Wilfully or maliciously hinders or interrupts or causes or procures to be hindered or interrupted the said corporation or their managers, contractors, servants, agents, workmen or any of them in the exercise of any of the powers and authorities in this Ordinance authorized and contained;

2. Wilfully or maliciously lets off or discharges water or gas so that the same runs waste or useless;

3. Not being in the employment of the corporation and not being a member of the fire brigade and duly authorized in that behalf wilfully opens or closes any hydrant or obstructs the free access to any hydrant, stopcock, chamber pipe or hydrant chamber by placing on it any building material, rubbish or other obstruction;

4. Throws or deposits any injurious, noisome or offensive matter into the water or waterworks or upon the ice in case such water is frozen or in any way fouls the water or commits any wilful damage or injury to the works, pipes or water or encourages the same to be done;

5. Wilfully alters any meter placed upon any service pipe or connected therewith within or without any house, building or other place so as to lessen or alter the amount of water, gas or electricity registered thereby unless specially authorized by the corporation for that particular purpose and occasion;

6. Lays or causes to be laid or attached any pipe or main or wire or rod to communicate with any pipe or main or wire or

rod of the works or in any way to obtain or use any water, gas or electricity thereof without the consent of the corporation:

7. Washes or cleanses cloth, wool, leather, skin or animals or places any nuisance or offensive thing within the distance of one mile from the source of supply for such waterworks in any river, pond, creek, spring, source or fountain from which the water of the waterworks is obtained or conveys, casts, throws or puts any filth, dirt, dead carcass of other noisome or offensive thing therein or within the distance as above set forth causes permits or suffers the water of any sink, sewer or drain to run or be conveyed in the same or causes any other thing to be done whereby the water therein may be in any way tainted or fouled; and if such person is convicted of such act before a justice of the peace he shall for every such offence forfeit and pay a sum not exceeding \$20 and not less than \$1 together with the costs and charges attending the proceedings and conviction.

Application of
penalties

41. The penalties in money under the last preceding section or any portion of them which may be recovered shall be paid to the convicting justice; and by him paid one half to the treasurer of the corporation and the other half to the prosecutor unless the prosecutor is the officer or servant of the corporation in which case the whole of the penalty shall be paid to the corporation.

May be
constructed
as separate un-
dertaking

42. Any municipal public work provided for in this Ordinance may be constructed, built, purchased, improved, extended, held, maintained, managed and conducted either separately as distinct undertakings or in conjunction as one entire undertaking.

Money
borrowed to
be a charge
on works

43. It is hereby provided that any public work or works constructed or acquired under this Ordinance and all lands acquired for the purpose thereof and every matter and thing appertaining thereto and all revenues derived therefrom shall be held to be entirely separate from all other assets of the municipality and shall not be liable for any debt of the municipality heretofore or hereafter contracted by the municipality the cost thereof for the purpose of paying the cost or a part of the cost thereof and such public work or works, lands, appurtenances and revenues shall be and are hereby specially charged with the repayment of any sum or sums of money which may be borrowed for the purpose of paying the cost or a part of the cost thereof, and for any debentures which may be issued therefor; and the holders of such securities shall in addition to the liability of the city to pay the same as a liability contracted on the credit of the municipality at large, as they are hereby declared to be, have a preferential lien and charge on the said works, lands, appurtenances and revenues for the securing of the repayment of the same and the interest thereon irrespective of the order in which the same are issued.

(2) It is hereby declared that the debentures of the City of Edmonton numbered 1 to 110 inclusive and being a reissue of a certain other debenture numbered 45 constitute a special charge upon the municipal waterworks system of the city with all the rights, powers and privileges set forth in sections 43 to 47 both inclusive of the said schedule as well as a charge upon the credit of the city at large and constitute good, valid, incontrovertible securities charged as aforesaid for the principal purporting to be secured thereby and interest at four and one-half per centum payable as therein provided.

44. After the construction of the works all the revenues arising from and out of the supplying water, light, heat or power or from the real and personal property connected with the works to be acquired by the corporation under this Ordinance shall after providing for the expenses attendant upon the maintenance of the works and after payment of the amount payable for principal and interest or sinking fund and interest up to the end of the then current year, year by year be transferred to and form part of the general fund of the corporation and may be applied accordingly.

45. In the event of default being made in the payment of any portion of the moneys so borrowed or the interest thereon the holder or holders of such debentures shall be at liberty as often as such default shall happen and shall have continued for the space of twelve months but without prejudice to the jurisdiction of any competent Court to interfere before the expiration of such period to enter upon and take possession of the public work or works, lands and appurtenances and operate the same until all arrears or principal and interest and the reasonable cost and expenses of taking possession and of operating the same shall be fully paid and may on such terms as any competent Court or a judge thereof may order advertise and sell the said public work or works, lands and appurtenances by public auction and apply the proceeds of such sale in repayment of the moneys so borrowed and interest and costs and expenses and the balance if any remaining after such payment shall be paid over to the municipality.

46. The purchaser or purchasers on any such sale and their assigns shall have and possess and may exercise all the rights, powers, privileges and franchises relating to the construction, maintenance, working and conduct of the work or works which are by this Ordinance conferred upon the corporation subject to the right of the corporation to resume the ownership thereof at the expiration of ten years from such sale on giving six months notice and on payment within six months after such period of ten years at a valuation to be ascertained by arbitration subject to the assent of the ratepayers as in the case of the original construction or purchase of said works.

Application
of revenue

Rights of
purchasers

Right of
corporation to
resume
ownership of
works

Powers to
borrow to be
in addition to
powers under
Municipal
Ordinance

47. In case the corporation fails to exercise the right of resuming the ownership of the public work or works at the expiration of the said period the corporation may similarly exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the purchasers or their assigns.

48. It is hereby declared that the powers of borrowing and issuing of debentures in this Ordinance provided for are not to be accounted as diminishing the powers of the municipality to borrow and issue debentures conferred by *The Municipal Ordinance* nor are they to be taken as restricting the power of the municipality to borrow and issue debentures on the credit of the municipality at large under *The Municipal Ordinance* within the limit of amount therein provided for, for the purpose of constructing or purchasing any such public work or works or assisting therein and in borrowing for the purposes aforesaid of for the purpose of constructing a system of sewerage in connection with a system of waterworks; the municipality in borrowing whether under the provisions of this Ordinance or of *The Municipal Ordinance* may extend the time of repayment for any term up to fifty years.

(2) Debentures issued in pursuance of a bylaw passed under the authority of this Ordinance may be dated as of the actual date of the issue thereof; provided such date be within four years from the date of the final passing of the bylaw and may be made payable in such manner that for the first five years succeeding their date interest only shall be payable.

(3) And where a system of waterworks has been established and it is proposed to extend the said system it shall not be necessary to obtain the assent of the ratepayers to the passing of a bylaw for raising the cost of such extension though such cost is to be wholly or partially borne by the municipality at large; and it is hereby declared that the said subsection was omitted by error in the printing of the said schedule and shall be taken to have always been in force and to have formed part thereof, and the said section shall be taken to have always been contained in the said schedule.

Special
frontage rate

49. For the purpose of assisting in the payment of any debentures issued for the purpose of waterworks constructed or acquired under the provisions of this Ordinance and the interest thereon it shall and may be lawful for the cooperation to provide by bylaw for the assessment and collection of a special tax or rate in each year not exceeding four mills in the dollar upon the several properties according to the assessed value thereof fronting or abutting on the street in, through and along which the waterworks mains are laid as well as all other properties which may enjoy the advantage of the use of water from the said main distant not more than 300 feet therefrom for the purpose of protection against fire whether the

owners or ratepayers thereof use the water or not for general purposes to meet the yearly interest on any debentures issued for the purposes of the said waterworks and the annual instalment of principal or the annual amount of payment to the sinking fund for the payment of the principal thereof provided that the collector of taxes upon the production by the owner or occupant using said water of the receipt for payment of the rent chargeable for the use thereof during the year or such proportion thereof as equals such special tax shall remit or allow to such owner or occupant the amount so paid as a payment *pro tanto* on account of the special tax authorized to be levied by this section.

50. The corporation may itself or by its officers exercise and enjoy the powers, rights, authorities and immunities hereby conferred upon the corporation of such municipality or such council may either before the commencement of the works or at any time while they are in the course of construction or after their completion by bylaw provide for the appointment of one or more commissioners for such purpose.

Corporation
may appoint
commissioners

(2) Upon the appointment of a commissioner or commissioners all the powers, rights, authorities or immunities which under this Ordinance might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation shall and may be exercised by the commissioner or commissioners and the officers appointed by him or them and the council thenceforth during the continuance in office of the commissioner or commissioners shall have no authority in respect of such works.

(3) But any officer or employee appointed or employed by the council in or about the construction or management of the works shall be continued until removed by the commissioner or commissioners unless his engagement shall sooner terminate.

(4) Nothing herein contained shall be construed to divest the council of its authority with reference to the providing of moneys required in respect of such works and the secretary-treasurer of the municipality shall upon the written certificate of the commissioner or commissioners pay out any moneys so provided.

51. The commissioner or commissioners shall be appointed from time to time by bylaw of the council on such terms and at such a salary as they may deem expedient; but such bylaw shall not take effect until approved by the Lieutenant Governor in Council; and shall cease to be valid after one month's notice from the Lieutenant Governor in Council that such approval has been withdrawn; and no repeal or amendment of any such bylaw appointing a commissioner or commissioners shall be valid unless nor until such repeal or amendment has been approved in like manner except as hereinafter provided.

Bylaw
appointing
commissioners
to be approved
by Lieutenant
Governor

Security of
commissioner

52. Every commissioner shall before taking office give such security for the performance of his duties as the council shall require.

Commissioner
not to be
interested in
any contract

53. No commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works or be directly or indirectly interested in the same or any of them.

Council may
remove
commissioners
and assume
work.

54. The council of the municipality in case the construction of the works be entrusted to a commissioner or commissioners may by bylaw at any time assume the work, remove the commissioner or commissioners, apportion their current year's salary and proceed with and manage the works and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the commissioner or commissioners shall be transferred to and vested in the council; but any officer or employee appointed or employed by the commissioner or commissioners in or about the construction or management of the works shall be continued until removed by the council unless his engagement be sooner terminated.

Accounts to
be kept by
commissioner

55. The commissioner or commissioners shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the works distinct from the books and accounts relating to the other property, funds or assets belonging to the works; and all such books shall be open to the examination of any person appointed for that purpose by the council.

(2) The commissioner or commissioners on or before the fifteenth day of January in each year or upon such other day as the council may name shall cause a return to be made to the council containing a statement of the affairs of the works which shall show the amount of the rents, issues and profits arising from the works and the number of consumers during the previous year; the extent and value of the movable and immovable property belonging to the works; the amount of debentures then issued and remaining unredeemed and uncanceled and the interest paid thereon or yet due and unpaid and the state of the sinking fund; the expense of collection and management and all other contingencies; the salaries of officers and servants; the costs of repairs, improvements and alterations; the prices paid for the acquisition of any real estate that may have been acquired for the use of the works; and generally such a statement of the revenue and expenditure of the works as will at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the works.

(3) The commissioner or commissioners shall also from time to time furnish such information as may be required by the council.

(4) All accounts relating to the works shall be audited by the auditor for the corporation in regular course and the

commissioner or commissioners and all the officers shall furnish to the officers such information and assistance as may be in their power to enable the officers to properly audit such accounts.

56. The commissioners or commissioner and the clerks employed in their revenue service shall be sworn before a justice of the peace for the faithful performance of their duties; the commissioner or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such book shall be open for inspection in the same manner as the books mentioned in the next preceding section.

Oath of
office and
records of
proceedings



commissioners or commissioners and all the officers shall have the right to the officers such information and assistance as may be necessary in their power to enable the officers to properly audit such accounts.

56. The commissioners or commissioners and the officers shall keep a book for the purpose of recording the whole of their official proceedings and such books shall be open for inspection in the same manner as the books mentioned in the next preceding section to be used by any person having access to the same. The books shall be kept in such a manner as to be accessible to the public and shall be kept in such a manner as to be accessible to the public and shall be kept in such a manner as to be accessible to the public.

57. The commissioners or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such books shall be open for inspection in the same manner as the books mentioned in the next preceding section to be used by any person having access to the same.

58. The commissioners or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such books shall be open for inspection in the same manner as the books mentioned in the next preceding section to be used by any person having access to the same.

59. The commissioners or commissioners shall keep a book for the purpose of recording the whole of their official proceedings and such books shall be open for inspection in the same manner as the books mentioned in the next preceding section to be used by any person having access to the same.

BILL

No. 27 of 1908.

An Act to Further Amend the Edmonton Charter.

(Assented to March, 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Edmonton Charter (Ordinance 19 of 1904 as amended by chapter 76 of the Statutes of Alberta, 1906, and chapter 35 of the Statutes of Alberta, 1907) is hereby further amended as follows:

(1) Title I, section 2, by adding thereto the following:

"19. 'Householder' means the occupant of a dwelling-house who has been actually a resident of the city since the first day of February in the then current year.

"20. 'Dwelling-house' means an actual separate dwelling with a separate door for ingress and egress.

(2) Title I, section 4, by striking out the words "such days" in line 2 thereof.

(3) Title II, section 1, is hereby repealed and the following is substituted therefor:

"1. The inhabitants of the locality described as follows, that is to say: Commencing at the centre of the Saskatchewan river on the easterly line projected of river lot 26 of the Edmonton Settlement according to the Dominion Government plan of survey thereof; thence northerly along the easterly line of said river lot 26 to the northerly limit thereof; thence due east to the centre of section 15 in township 53 range 24 west of the 4th meridian; thence due north to the northerly limit of said section 15; thence due west to the north-west angle of section 18 in said township 53; thence south to the northerly limit of section 12 in township 53 in range 25 west of the 4th meridian; thence due west to the north-west angle of said section 12; thence due south to the centre of the Saskatchewan River; thence easterly and following the centre of the bed of the river to the point of commencement; and such persons as shall hereafter become inhabitants of the said locality are hereby declared to be a municipal corporation under the name of the 'City of Edmonton';

"Provided that that portion of said locality lying beyond the present boundaries of the City of Edmonton shall not be subject to taxation for general municipal purposes until the year 1913."

(4) Title IV, section 1, is hereby repealed and the following substituted therefor:

"The persons qualified to vote at elections shall be all persons both male and female of the full age of twenty-one years whose names appear on the last revised voters' list."

(5) Title IV, section 2, is hereby repealed and the following substituted therefor:

"The assessor shall on or before the 1st day of September in each year prepare a voters' list in alphabetical form. He shall place thereon the names of all persons both male and female of the full age of twenty-one years who are assessed on the last revised assessment roll for \$200.00 or upwards, and the names of all persons whose names appear on the "Householders' Tax List," hereinafter provided for, and the assessor shall indicate on the said list the names of all burgesses and the number of votes to which in voting upon referred by-laws they are respectively entitled; and the assessor shall cause such voters' list to be printed with the next following three sections hereof prefixed thereto. Copies thereof shall be posted up in the office of the secretary-treasurer and in three other conspicuous and public places in the city on or before the 15th day of September; and notice of such posting shall be published once in each week for three successive weeks in a newspaper published in the city."

(6) Title IV, section 3, by striking out all the words down to and including "in the following form" and substituting therefor the following: "Any person who has been a resident in the city in the current year prior to the first day of July and continuously since and who is otherwise duly qualified, but whose name does not appear on the voters' list or who by error is not assessed on the roll high enough to qualify him or her as a voter or whose name is put down in error or whose name has been omitted from the last revised assessment roll or 'Householders' Tax List' may either by himself or herself or his or her agent apply to have the voters' list amended by giving to the assessor a notice in the following form:"

(7) Title IV, section 7, by striking out the word "council" in line two thereof and substituting therefor the word "commissioners," by striking out the word "final" in line two thereof, and by adding to said section the following: "Provided always that an appeal may be taken by any person dissatisfied with the decision of the commissioners, to the council by delivering to the assessor a written notice within five days from the decision of the commissioners and the council shall decide the matter of said appeal at its next regular meeting thereafter."

(8) Title XXII, section 3, subsection 4, by striking out the words "shall before the final passing thereof receive the assent of a majority of the burgesses voting thereon in accordance with the provisions of title XXIV."

(9) Title XXIII, section 4, subsection 1, by inserting between the words "debts" and "shall" in line one thereof the words, "(including debts for local improvements)."

(10) Title XXIII by adding thereto the following sections:

The council may from time to time pass by-laws consolidating debentures unsold or any portions thereof, and running for a similar term of years and bearing the same rate of interest, issued or authorized to be issued under different by-laws by cancelling such debentures and issuing new debentures for the total amount of such cancelled debentures, provided that the new debentures shall run for a similar term of years and bear the same rate of interest as those cancelled but may bear such new date as may in the by-law respecting consolidation be provided for; the whole without any further assent of the electors being required; and such new debentures when issued and delivered shall be a valid obligation of the city.

(a) The by-law authorizing such consolidated debentures shall contain provisions for the levy and collection of any sums or amounts specified in the original by-laws required to be levied and collected to pay the debt and interest of the cancelled debentures or any of them; and the amounts so collected shall be devoted to the payment of the debt and interest of the consolidated debentures.

(b) The provisions in the original by-laws to collect the amounts referred to thereunder shall be cancelled, but any amounts collected shall be carried to the credit of the amounts to be collected under the by-law respecting consolidation.

(c) The said by-laws shall in other respects conform, so far as may be consistent therewith, to the provisions of this Charter with respect to by-laws for contracting debts or borrowing money.

((11) Title XXIV, section 5, by striking out the words "returning officer" in line two thereof and substituting therefor the words "secretary-treasurer."

(12) Title XXVIII, section 6, by striking out the word "District" in subclause 2 thereof and substituting therefor the word "Province."

(13) Title XXXI, section 18, by striking out the word "secretary-treasurer" in line 2 and substituting therefor the word "assessor."

(14) By striking out at the end of subsection 3 of section 21, the words "until the penalty and costs are paid" and substituting therefor the words "for a period not exceeding thirty days unless said penalty and costs are sooner paid."

(15) Title XXXII;

(a) By striking out the word "Territories" in subsection 2 of section 2 thereof and substituting therefor the words "Province of Alberta."

(b) By repealing section 5 thereof and substituting therefor the following: "Except members of His Majesty's naval or military force on full pay or on actual service or of the Royal North-West Mounted Police force or of the city fire brigade, every male person of the age of twenty-one years or upwards who has been a resident of the city for at least three months during the then

current year prior to the 31st of October and who is not assessed upon the last revised assessment roll shall be liable to pay a poll tax of \$3.00 the said poll tax may be collected at any time after the first day of June, but every person liable to pay a poll tax and any of the persons hereinbefore excepted provided such excepted person pays said sum of \$3.00 upon satisfying the assessor on or before the 1st day of September in the then current year, he is a "Householder" as herein defined and producing to the assessor his receipt for said poll tax shall be entered by the assessor upon a list to be called the "Householders' Tax List" and shall thereupon be deemed to be an elector."

(c) By adding thereto the following section:

7. "The council may by by-law impose a special license fee upon persons who occupy premises for temporary periods or who commence business after the final revision of the assessment roll and whose names have not been duly entered on such roll for the current year, and may fix the sum to be paid for such license and the time it shall be in force."

(16) Title XXXIII, section 5, is hereby repealed and the following substituted therefor: "The council may by by-law allow a discount for payment of the aforesaid taxes or any part thereof or any instalment thereof on or before the day or days therein named and may impose an additional percentage charge (not exceeding 5 per cent.) for non-payment by the first day of January in the next ensuing year to that on which the same were imposed, and in the event of such taxes not being paid before the first day of July in such next ensuing year a further percentage charge of (not exceeding a further 5 per cent.); and such additional percentage or percentages shall be added to any unpaid amount of taxes or assessments or rate or instalment and collected by the assessor or by distraint or otherwise as if it had been originally imposed by by-law."

(17) Title XXXV, section 5, by inserting between the words "undertaken" and "either" in the second line thereof the words "and the necessary by-laws passed and debentures issued thereunder."

(18) Chapter 35 of the Ordinances of the North-West Territories of 1900 as amended by chapter 15 of 1902 and chapter 32 of 1903 (second session) and called "Schedule A") to the Edmonton Charter, is hereby amended by adding to section 29 thereof the following:

(1) The above provisions from section 20 to 29 inclusive shall, *mutatis mutandis*, apply to the municipal telephone system and especially as to the powers to collect telephone rates and recover telephone property and fixtures."

(19) Title XXII, section 6a, by adding thereto the words "and premises."

(20) Title XXXIII, section 13, subsection 3: by striking out the words "of the person taxed" in the first and second lines thereof, and substituting therefor the words "of the occupant

of the premises in respect of which any tax save land tax has been levied."

(21) Title XXIV, by adding thereto the following:

"30. The council may by by-law provide that all or any of the duties or acts by this title to be done or performed by the secretary-treasurer may be done or performed by the assessor or such other officer as shall be provided in and by said by-law and such acts shall be as valid as if performed by the secretary-treasurer.



INDEX

TO

THE EDMONTON CHARTER

	PAGE
Absence of Mayor, substitute.....	40
Member of Council, vacates seat, when.....	34
ACTIONS BY AND AGAINST CITY. Title XXIX.....	76
for damages from obstruction, excavation or opening.....	78
Remedy over, See Third party, Damages, Highways.....	78
Limitation of City Liability.....	80
for surplus after distress for taxes, contested claims.. See Taxes	93
for recovery of taxes..... See Taxes	91
on illegal bylaw, notice required, time.....	77
tender of amends, effect.....	77
to be pleaded.....	77
questioning tax sale.....	101
Right of City to enforce duties, obligations, liabilities.....	76
tax sale, questioning.....	101
Adoption of Amended Assessment Roll by Council..... See Assessment	
Advertisement of sale of land for taxes, q.v.....	94
Adjournment of sale of land for taxes, q.v.....	95
Aldermen, Disclaimer of Office.....	38
Disqualification by Office.....	6
Interest.....	6
Crime.....	6
Corrupt practices at elections.....	33
Voting for diversion of public moneys.....	68
Liability for diversion of moneys by vote.....	68
neglect to levy sinking fund.....	68
Number of.....	5
Oath of office.....	45
Qualifications.....	6
Resignation, voluntary.....	34
compulsory.....	35
Rotation of.....	5
Term of office.....	5
Vacancies, filling of..... See Vacancies	35
Agents of candidates at Elections..... See Elections, procedure.	21
Number at poll.....	22
Oath.....	17
at vote on bylaw requiring Assent of Burgesses, q.v.....	58
Alley... See Highways, Repair, Assumption of private roads.....	77
See also Local Improvements.....	101
Amends, tender of, plea and traverse in action on illegal bylaw.....	77
Amendment of Assessment Roll.....	82, 86
Annexation of adjacent land to city.....	5
Appeal to Commissioners from Assessment, q.v.....	83
to Council from decision of Commissioners.....	85
to Judge from Council.....	86
from Assessment for Local Improvement, q.v..... See Assessment.	107
APPOINTMENTS BY COMMISSIONERS. Title XVIII.. See Commissioners.	45
Appointment of Officials not to be by tender..... See Officials.	41
Approaches, repair of..... See Highways.	78
Arbitration..... See Expropriation..	75
Arbitrators..... See Expropriation..	76
ASSENT BY BURGESSES TO BY-LAW. Title XXIV.....	56
Application of Title V, Elections, general provisions, q.v.....	64
Title VI, Elections, procedure, q.v.....	66

ASSENT BY BURGESSES TO BY-LAW—*Continued.*

Title VIII, Corrupt practices, q.v.	66
Appointment of representatives at Poll of promoters or opponents.	58
deputy returning officers.	57
poll clerks.	16
constables.	16
Bank or corporations, how vote by, to be given.	56
Ballot, form of.	58
objections to.	64
vote by.	61
Burgess, how entitled to vote.	62
By-law, fixing date of voting.	58
fixing time of summing up of votes.	58, 134
Count of votes, method of.	64
Certificate to representative to vote at polling station.	59
of result of voting if required.	65
Certified voters' list for deputy returning officers.	60
Corrupt practices, application of Title VIII, as to.	66
Cumulative voting according to assessment.	62
Date of polling to be fixed by by-law and notice published.	57
Deputy returning officers.	See Appointment.
oaths.	61
Directions for voting.	61
Duration of poll.	61
Form of ballot.	58
declaration of substitute.	59
directions to voters.	61
oath of officers at elections.	61
resident officer of bank or corporation voting.	63
voter required to be sworn.	62
voters' list.	60
Hearing by Judge, when scrutiny, q.v.	66
Local Improvement not necessary, except.	See Local improvement.
Notice of time of voting.	51
scrutiny.	66
Objections to ballots.	64
Oaths of deputy returning officers and officials.	61
resident officers of banks and corporations.	63
voter required to be sworn.	62
Offences.	See also Corrupt practices, Title VIII.
Poll, date of.	57
duration of.	61
oaths of persons at.	See Oaths
persons entitled to be present at.	59
proceedings at close of.	64, 65
Publication of proposed by-law.	57
Representatives, see appointment of.	58
substitute.	59
Returning officer.	9, 57
to post proposed by-law.	57
to prepare and deliver ballots and voters' lists.	57, 60
return by deputy returning officer to.	64
summary of returns by.	65
Scrutiny, hearing of.	66
notice of.	66
petition for.	66
powers of judge.	58, 131
Secretary-Treasurer to finally sum up.	58, 131
Time of poll.	57
Voters' list, preparation and delivery of.	60
return of.	65
form of.	61
Voting by ballot.	61
by burgess.	63
by-law, fixing time of.	58
cumulative.	62
date and time.	57, 61
directions for.	61
notice of time.	57
persons entitled to be present.	59
return by deputy returning officer to Secretary-treasurer.	64
summary of.	61

ASSESSMENT. Title XXXI.....	See also Rates, Taxation, Taxes.	80
Amendment of roll.....	See Roll.	84
Appeal from.....	See Commissioners, Council, Judge. 83, 85,	86
Appointment of assessor.....		80
Assessable persons to give all information.....		85
employees of to give information.....		85
Assessors, appointment of.....		80
completion of work of, time.....		80
duties of, as to entries on assessment roll.....		85
fraudulent assessment by, penalty.....		82
inquiries by, into claims to be assessed.....		85
information to be given to.....		85
penalties.....		82
public school supporter's statement to be accepted by.....		85
separate school supporter's statement to be accepted by.....		85
wrongful assessment of penalty.....		82
Board of.....		44, 82
Completion of revision.....		86
Commissioners, appeal to, from.....		83, 85
clerk to be assessor.....		83
complaints, notice of and time for.....		83
conduct of hearing.....		84
evidence.....		84
form of notices of.....		83
list of appeals.....	See Roll.	83
notice of and form.....		83
notice of hearing of.....		83
procedure on non appearance of appellant.....		84
termination of sittings, time for.....		84
time for complaint of assessment.....		82
notice of hearing.....		83
termination of sittings.....		84
Correction of errors in assessment roll.....		82, 86
Council, appeal to from Commissioners.....		85
Hearing ex parte on non-appearance.....		84
Notice of hearing.....		83
Termination of sittings.....		84
Time, limit of, for determination of appeals.....		86
Districts.....		80
Evidence on appeal to commissioners.....		84
Evidence of Assessment Roll.....		84
Form of assessment roll.....		81
complaint on appeal.....		83
notice of assessment.....		82
list of appeals.....		83
Fraudulent.....		82
Hearing of appeals.....	See commissioners, council.	84, 85
Information, duties of assessable persons and employees.....		85
Judge, appeal to from council.....		86
List of appeals to commissioners.....		83
Local improvements, q.v.....		
Mode of.....	See taxation.	86
Notice of, form.....		82
publication.....		82
transmission by mail.....		82
Notice of appeal.....		83, 84
hearing of appeal by commissioners.....		84
council.....		86
Penalties—Fraudulent Assessment.....		82
Wrongful Assessment.....		85
Roll, adoption of by council.....	See commissioners, council.	86
Correction.....		82, 84, 86
Evidence of.....		84
Form of.....		81
Omissions from rectification.....		84
Revised assessment.....		84
duties as clerk to commissioners.....		83
correcting roll in accordance with decisions.....		84, 85
mailing notice of assessment.....		82
posting notice of assessment.....		82
Special frontage.....	See Local Improvements. 102, 105	
Special local benefit.....	See Local Improvements 102, 108	

ASSESSMENT—*Continued.*

Time for completion of assessor's work.....	80
appeals to commissioners.....	84
revised assessment roll.....	86
Assessor's appointment.....	80
Assets of town of Edmonton, continuance.....	5
Assignee, when goods in hands of are distrainable for taxes.....	92
Assumption by city of private roads.....	
 AUDIT. Title XVI.....	43
Abstract of receipts and expenditures, etc.....	44
Annual appointments of auditors.....	44
Auditors, disqualification of.....	44
duties of.....	44
By-law providing for, before accounts paid.....	44
Debenture indebtedness, to be shown by.....	44
Quarterly.....	44
Report and abstract preparation.....	44
inspection by burgesses.....	44
publication of.....	44
Award, effects of.....	See Expropriations.
Bonuses, by-laws for.....	49
Books to be kept by secretary-treasurer.....	42, 43, 67
Borrowing on temporary loan.....	72
Boulevarding public places.....	See Local Improvements. 102
Boundaries of city.....	4, 129
extension of.....	5
tax exemptions in.....	4, 129
Bribery at elections.....	29, 31
Bridges, assumption of private bridge.....	78
jurisdiction over.....	77
repair of.....	See Highways, Local Improvements, 78, 101
Burgess, meaning of term.....	1
assent to by-law, q.v.....	56
Burying grounds exempt from taxation.....	87
subject to local improvement tax.....	87
Business, meaning of term.....	2
license.....	50, 132
taxation of.....	87
Business industries, bonusing.....	49
By-laws, assent of burgesses necessary to bonusing.....	49
contracting debts not payable in a year.....	50
exemptions from taxation.....	49
public works.....	49
special franchises.....	50
except in cases of certain local improvements.....	105
Closing highways, q.v.....	78
Closing shops.....	51
Continuance of town of Edmonton, q.v.....	5, 108
Charging interest on unpaid taxes.....	90, 132
Discount on taxes, for allowance of.....	90, 132
Evidence of.....	53
For audit of accounts before payment.....	See Audit. 44
licensing and license fee.....	50
local improvements, q.v.....	104
peace, order and good government generally.....	49
redemption of debentures by special rate.....	68
special frontage assessment.....	104
special local benefit assessment.....	104
General powers of council.....	48
Local improvement, q.v.....	
several may be included in one by-law.....	70
Money by-laws, q.v.....	53
Passage of.....	53
Penalties for breach of.....	109
Proving.....	53
Quashing.....	See also quashing by-laws... 53
Revocation or alteration, power of, included in power to make.....	3
Validation of.....	53

Cancellation of debentures, q.v.....	71
Certificate of ownership of debentures, q.v.....	71
purchase at sale of land for taxes, q.v.....	96
registration of debentures, q.v.....	71
Charter, Edmonton, date of coming into force.....	110
Citation of Ordinances as "Edmonton Charter".....	1
City, meaning of.....	2
purchaser of land at tax sale if no bid.....	95
CITY SOLICITOR, Title XV, appointment of.....	41, 43
His costs as between party and party.....	43
Remuneration.....	43
Civic property, exemption from taxation, q.v.....	87
Claims against tax sale fund..... See Sale of Land for Taxes.	99
for damages from public works.....	74
appurtenant to land.....	74
to surplus after distress for taxes, contested.....	93
Closing of street..... See Highways.	78
Collection of rent from tenant for landlord's taxes..... See Taxes	92
Colleges exempt from taxation except local improvement.....	87
Commissions of Enquiry..... See Governmental Commission of Enquiry	47
See Judicial Commission of Enquiry.....	48
COMMISSIONERS, Title XVII.....	44
Appeal to from assessment.....	83
local improvement assessment.....	107
See Local Improvements.	
Appointment, how made.....	45
Board of assessment, commissioner and assessors.....	44
Duties, generally.....	45
under Ordinance 35 of 1900.....	45
Estimates to be prepared by.....	45
incapacity, substitute.....	45
Number of.....	45
Powers, subject to those of council.....	44
Salaries of.....	45
Committees of lunatics, powers of Expropriations.....	74
Complaint of wrongful assessment.....	83
Compensation..... See Expropriation.	74
Computation of time.....	2
Conduits for wires or pipes..... See Local Improvements.	102
Consolidation of debentures, q.v.....	70, 131
Constitution of council..... See Council.	5
Continuance of by-laws, contracts, assets and liabilities of Town of Edmonton	5
council of town until new election.....	5
Contractor, liability for negligence.....	78
Contracts, continuance.....	5
enforcement by city.....	76
Controverted election..... See Vacancies..	36
Affidavit of Relator.....	36
Affidavits filing before hearing.....	36
Application for fiat.....	35
Claim to seat.....	36
Disclaimer of seat.....	38
Effect of.....	38
Fiat for motion in nature of quo warranto.....	35
Hearing of motion.....	37
Intervention by leave of judge.....	37
Judge, powers of.....	35, 37
Judgment, form and effect of.....	37
enforcement of.....	38
to be of record.....	38
Motion, grounds of.....	36
notice of and contents.....	36
recognizance before.....	35
service of notice of..... See Council.	36
time of service.....	36
Motions, combination of.....	36
Order, form and effect of.....	37
Parties may be added.....	37
Production of papers, judge may require.....	37
Procedure of supreme court as applicable.....	39
Returning officer, added as party.....	37
costs against.....	37

Controverted election— <i>Continued.</i>	
Returning officer, liability of.....	37
Return by judge to be judgment of the court.....	38
Vacation of seat from judgment.....	37
Conviction, form of, for non-payment of license fee.....	109
Corporate powers to be exercised by council.....	4
CORRUPT PRACTICES. Title VIII.....	31
Bribery defined.....	31
By-law procured by, quashing of.....	67
Evidence to prove offence.....	32
Disqualification and forfeiture.....	32
Exemptions from penalties, previous prosecuting of accessory by person charged.....	34
Forfeiture and disqualification.....	32
Imprisonment in default.....	33
Information for voters, as to, to be posted.....	34
Limitation of time for proceedings.....	34
Penalty and recovery.....	33
Report of judge as to candidate guilty.....	33
Record of disqualified persons.....	33
Undue influence defined.....	32
Witnesses, compelling attendance.....	33
fees and expenses.....	33
liability for contempt.....	33
Correction of assessment roll.....	82, 84, 86
Costs, City solicitor.....	43
Distress for taxes.....	93
Expropriation, tender of amends, effect.....	75
Extension of waterworks, etc., how borne.....	Local Improvements... 103
Tax sale claims.....	See sale of land for taxes... 99
COUNCIL. Title III. Continuing body.....	4
constituon of, q.v.....	See Mayor, Aldermen... 5
continuance of council of town.....	4
legislative, jurisdiction of, q.v.....	48
liability for diversion of corporate moneys.....	68
meetings of, q.v.....	39
meaning of term.....	1
powers, general.....	4
appeal from commissioners on assessment.....	85
quorum.....	38
special meetings.....	40
vacancies, q.v.....	34
Court houses, exemption from taxation.....	87
Court of revision.....	See Assessment... 78
Crossings, repair.....	See Local Improvements 78
Crown property, exempt from taxation.....	87
Crown lands, effects of sale at tax sale.....	99
Culverts, repair.....	See Local Improvements. 78
Damages by reason of public works to stand in lieu of land.....	74
negligence, obstruction, etc.....	76
setting aside tax sale.....	101
remedy over.....	See Highways 78
tender of amends.....	See Action. 77
Date, coming into force of charter.....	110
completion of assessment, q.v.....	80
commissioner's appeals.....	84
council's determination of appeals.....	86
preparation of tax roll.....	89
taxes on land due.....	94
Debentures.....	See Money by-laws., Finance 53, 70
application to quash, time.....	56
borrowing by for local improvements, q.v.....	104
cancellation of, when acquired by city.....	71
certificate of registration.....	71
certificate of ownership.....	71
consolidation of.....	70
form of.....	55
limitation of amount of debenture indebtedness.....	53
"Local Improvement," words printed on.....	56
Mode of Execution.....	56

Debentures—*Continued.*

Rate may be included in general call.....	89
Redemption from Special rate, under by-law.....	68
Registration of, effect of.....	71
Register of ownership.....	71
Transfer restricted.....	71
Titles system.....	71
Debenture—register.....	70
Debt, By-law for contracting.....	54
Limitation of amount.....	53
Dedication of private road.....	78
Deficient rate, augmentation of.....	72
Description of boundaries of city.....	4, 129
Discount on taxes, allowable by by-law.....	90
Disqualification of Mayor or Aldermen, q.v.....	6
Candidate for election guilty of corrupt practices.....	32
Record of persons guilty of corrupt practices.....	32
Distress for taxes, before taxes due when goods about to be removed.....	93
Costs of.....	93
Exemptions from.....	92
Goods in hands of liquidator, limited.....	92
Tenants goods.....	92
When lien, limited.....	92
Warehoused goods, limited.....	92
Selection of.....	93
Sale of distress.....	93
Surplus after, to be retained by assessor pending contested claim.....	93
Tenant, liable to distress for rent when notified to pay to assessor for taxes.....	91
Dwelling House, meaning of term.....	129
Edmonton Charter, citation of Ordinance as.....	1
when comes into force.....	110
Edmonton Public Works Ordinance, 35 of 1900, incorporated.....	3
See Schedule.....	111
Early closing shops.....	51
ELECTIONS, GENERAL PROVISIONS. Title V.....	9
Abandonment on withdrawal of candidate.....	10
Appointment of returning officer and deputies.....	9
Assistant deputy returning officers, appointment of.....	9
right to vote.....	16
Ballot, contents and form of.....	12
Counting of..... See Elections, Procedure. 22, 23	
Certificate of count..... See Elections Procedure. 23	
Distribution to deputy returning officers.....	12
Duties of returning officer, as to..... 11, 12	
Initialing of by deputy returning officers.....	19
Marking of.....	19
Printing of.....	11
Spoiled before vote.....	21
Secrecy of..... See Elections, Procedure. 28, 29	
Unused..... 20, 23	
Voting by.....	11
Boxes, construction and distribution.....	11
returns to Secretary-treasurer.....	25
Candidate, consent of.....	10
Nomination of.....	9
Presence at poll.....	29
Withdrawal.....	10
Certificate entitling to vote.....	15
Compartments for voters.....	14
Consent of nominee as Mayor or Alderman.....	10
Controverted, q.v.....	
Constables at poll, appointment.....	16
Copy of voters list, delivery to deputy returning officer..	14
Deputy Returning Officers, appointment of.....	9
appointment by, of poll clerks.....	16
oath of..... 17, 23	
vote of, right to..... 15, 25	
Directions to Voters and posting of..... 13, 14	
Electors at, qualification of..... See Voters List. 6, 130	

ELECTIONS, GENERAL PROVISIONS—*Continued.*

Expenses.....	See Elections, Procedure.	30
Forms: Ballots.....		14
Directions to voters.....		13
Notice of Election.....		9
Notice of poll.....		10
Poll, abandonment of.....		10
For Mayor and Aldermen.....		9
Nomination and assent to.....		10
notice of day and place.....		9
proceedings at.....		9
Notice of nomination.....		9
poll.....		10
abandonment of poll.....		10
Poll, abandonment of.....		10
close of.....		21
declaration of.....	See Elections, General Provisions...	10
duration of.....		17
notice of.....		10
procedure.....	See Elections, Procedure.	
Poll book.....		15
Printing and distribution of ballots.....		11, 12
Procedure.....	See Elections, Procedure.	
Qualification of electors.....	See Voters' List...	
Returning officer, appointment.....		9
duties.....		9-16
oath.....		17
School trustees, q.v.....		30
Secrecy.....	See Elections, Procedure.	
Time of.....		9
Vacancies, q.v.....		
Voters' list, q.v.....		
Voting.....	See Elections, Procedure.	
Withdrawal candidate.....		10
ELECTIONS, PROCEDURE. Title VI.....		16
Appointments of poll clerk and constable.....		16
Assistant deputy returning officer, right to vote.....		25
Agents of candidates, presence at poll.....		17
Ballot papers account.....		24
Ballots.....	See Elections, General Provisions...	
counting of.....	See Count..	22
declined.....		20
destruction after election.....		25
inability of voter to mark.....		20
initialling by deputy returning officer.....		19
inspection of, by order of judge.....		25
marking of.....		19
objections, to be numbered and initialled.....		22
recount, q.v.....		25
secrecy.....		20, 29
spoiled before voting.....		21
unused, though received.....		20
Candidate acting on his own behalf or by agent.....		16, 29
assumption of office by when elected.....		25
Certificate as to result of poll.....		22
Certificate on poll book.....		23
Count, agents at.....		22
ballots, initialling of, objections to.....		22
certificate of.....		22
opening of ballot box.....		17, 21
rejected ballots, endorsement.....		22
return by deputy returning to returning officer.....		24
statement of result by deputy returning officer.....		22
summary by returning officer.....		24
Deputy returning officer, oath.....		17, 23
return by.....		23
right to vote.....	See Penalties.	16, 25
Destruction of Ballots.....		25
Duration of poll.....		17
Errors not affecting result.....		29
Expenses to be paid by city.....		30

ELECTIONS, PROCEDURE—*Continued.*

Evidence of voting.....	17
Explanations to voter.....	19
Illiterate and incapacitated persons, vote by.....	20
Initialling of ballots and poll book.....	19
Inspection of ballots.....	25
Marking of ballots.....	19
Officer presiding, who included in term.....	16
Oaths of officers.....	17, 23
of voters.....	18, 20
Penalties for cumulative voting.....	28
fraudulent voting, attempt.....	28
misfeasance of officer.....	28
non observance of secrecy.....	29
omission of officer presiding to initial ballot.....	19
See Corrupt Practices, Penalties.	
Poll, persons entitled to be present.....	21
Poll book.....	See Elections, general provisions. 15
certificate at close of poll.....	22
initialling.....	19
Poll clerk, right to vote.....	25
Procedure.....	16, 18, 26
Recount of ballots, application to judge.....	25
certificate of result.....	27
costs of.....	27
deposit as security for costs.....	25
mode of.....	26
persons entitled to attend.....	26
procedure.....	26
statement.....	26
Return.....	24
Returning officer.....	See Elections, General Provisions. 24
casting vote.....	24
delivery of ballots, etc., to, by deputy returning officer..	24
return by.....	24
summary.....	24
School trustees of, q.v.....	
Secrecy of voting.....	29
Secretary-Treasurer, return to.....	25
retention and destruction of ballots by.....	25
vote of in case of equality on recount.....	27
Swearing, voter swearing himself on list.....	8
Time of holding.....	See Elections, General Provisions. 9
Voter not on list may swear himself on.....	8
Votes, number of by election.....	17
Voters' lists, q.v.....	
distribution to deputies.....	14
Voting, evidence of.....	17
Elector, meaning of term.....	1, 132
Qualification.....	6, 130
Disqualification.....	See Disqualification 7, 32
See Corrupt Practices.	
Errors in form not to invalidate election where substantial compliance.....	29
or substance of tax notice does not invalidate recovery.....	93
does not invalidate local improvement ass'mt. 107	
Estimates.....	See Commissioners. 45
Evidence, copies of records, books, etc.....	42
of by-law.....	53, 167
of debt for taxes.....	91
on appeal from assessment, q.v.....	84
Exemptions from distress for taxes.....	93
selection of.....	93
from special assessment for sewer.....	103
from taxation.....	See By-laws, Taxation. 49, 87
EXPROPRIATION, Title XXVIII.....	73
Arbitration if compensatoin not agreed.....	75
Abritrators to be judge or advocate appointed by him.....	75
fees.....	76
award, effect of.....	76
Award of arbitrators, costs.....	76

EXPROPRIATION—*Continued.*

Commissioners may acquire land by.....	73
tender, amends.....	75
Compensation may be mutually agreed.....	73
determination by arbitration.....	73
claims to appurtenant to land.....	74
claims, filing of.....	74
notice of.....	74
damages to stand in lieu of land.....	74
Costs of arbitration.....	76
Deposit of plan of land to be taken.....	74
notification of owner.....	74
Effect of award of arbitrator.....	76
reference.....	76
Evidence in arbitration to be filed.....	76
Notice of deposit of plans.....	74
calling for claims, vesting orders.....	75
Tender by commissioners, effect of.....	75
Trustees' power to act.....	74
Vesting orders, proceedings for and effect of.....	75
Fees of arbitrator.....	See Expropriation.
of judicial commissioner.....	See Judicial commission of enquiry.
of secretary-treasurer.....	See Sale of land for taxes.
Felony, meaning of term.....	1
Ferries, vested in city.....	See Local Improvements. 77
FINANCE, Title XXVI.....	67
Accounts to be kept by secretary-treasurer.....	68
Application of surplus of special rate to interest and sinking fund.....	68
By-law applying special rate to redemption of debentures.....	68
applying surplus moneys to sinking fund.....	68
consolidation of several local improvements.....	70
investment of sinking fund.....	69, 70
Cancellation of debenture.....	71, 131
Certificate of ownership of debentures.....	71
registration of debentures.....	70
Council, liability of members for diversion of moneys.....	68, 70
Debentures, cancellation.....	71, 131
consolidation.....	70, 131
registration and effect.....	70
restriction on transfer.....	71
Diversion of moneys, liability of council.....	70
sinking fund.....	68
Interest, application of special rate to.....	68
Investment of sinking fund, by-law.....	69
Liability of council for diversion.....	70
neglect to provide sinking fund.....	68
Members of council not to take part in investment.....	70
Registration of debenture.....	70
Restriction on transfer of debenture.....	71
Special rate and sinking fund accounts.....	67
application to sinking fund.....	68
Sinking fund, application of surplus to.....	69
diversion of prohibited.....	68
investment.....	69
neglect to provide for.....	68
Surplus income, application of.....	69
Transfer of debenture, restriction on.....	71
Fines.....	See Offences and penalties
Forfeiture of seat in council for corrupt practices.....	32
by purchaser at tax sale on default.....	95
of moneys in tax sale fund, 6 years.....	99
Forms, deviation from not to vitiate.....	3
For forms see different titles.....	
Franchise, special, meaning of term.....	2
by-law for.....	50
Fraudulent assessment.....	82
General rate may include general debenture rate.....	89
Good government, power to pass by law for generally.....	49

GOVERNMENTAL COMMISSIONS OF ENQUIRY. Title XX.....	47
Financial affairs of city, object of.....	47
Lieutenant Governor in Council may issue commission.....	47
Powers and scope of commission.....	47
Grades, repair of.....	78
Grass cutting.....	See Local Improvements. 102
Grounds of university, to what extent exempt from taxation.....	87
except local improvement.....	87
Guardians, powers in expropriation.....	74
Herein, meaning of term.....	3
Hearing of assessment appeals, q.v.....	
High schools, exemption from taxation except local improvement.....	87
HIGHWAYS AND PUBLIC PLACES. Title XXX.....	77
Action against city in respect of.....	78
Assumption of private roads, etc.....	78
By-laws for closing, selling or leasing.....	78
Compensation for damage from closing streets, etc.....	78
Damages for want of repair, etc., liability of city.....	78
liability of adjoining municipality.....	79
limitation of.....	80
remedy over in action.....	78
or separate action.....	79
Ferries without city may be vested by Lieutenant Governor in Council.....	77
Jurisdiction of corporation over.....	77
Liability in damages joint with adjacent municipality, when.....	79
Officers and members of council not liable in damages for want of repairs.....	80
Obstruction, excavation or opening, action in respect of.....	78
Remedy over, of city, in action.....	78
Repairs to.....	78
Third party, liability over in damages for obstruction.....	78
notice.....	79
Holiday, time falling on, how computed.....	2
Hospital tax exemption, except local improvement.....	87
Householder, meaning of term.....	129
Income, assessment of.....	See Taxation. 86
exempt from taxation up to \$1.000.....	87
meaning of term.....	1
INCORPORATION, ANNEXATION, WARDS. Title II.....	4
Annexation on petition and proclamation.....	5
Boundaries of city.....	4 129
Council of town, continuance.....	5
may be elected by general vote.....	5
Powers of corporation, how exercised.....	4
Wards, number of.....	5
Elections in new wards.....	5
Instalments, payment of taxes by, council may provide by by-law.....	90
Interest on unpaid taxes, by-law may provide for.....	90, 132
Intimidation at elections.....	32
Jail exemption from taxation.....	87
Judge, appeal to from council's assessment decision.....	86
local improvement assessment decision.....	108
fees as arbitrator.....	See Expropriation. 76
judicial commissioner.....	178
meaning of term.....	See Preliminary. 2
JUDICIAL COMMISSION OF ENQUIRY. Title XXI.....	48
Authorised by resolution of council.....	48
Counsel, retainer of.....	48
Fees payable to judge.....	48
Judge to hold investigation.....	48
Object and scope of enquiry.....	48
Joint liability of city with adjoining municipality for repair.....	79
Land, expropriation of.....	See Expropriation. 73
lien on for land tax.....	90
Meaning of term, what included.....	2
Sale of for taxes.....	See Sale of land for taxes. 94
Taxation of.....	See Taxation. 86
Lane.....	See Highways. 77
See Local Improvements.....	102
Lease of Highway.....	78

LEGISLATIVE JURISDICTION OF COUNCIL. Title XXII.	48
Assent of burgesses when necessary	49
Extent, local	48
Evidence of by-law	53
General powers to pass by-laws for peace, order, good government and welfare of city	49
License and license fees for businesses	50
power to, what includes	50
Limitation of powers in certain cases	
public ownership of works	49
bonusing	49
special franchise	50
contracting debts not payable in a year	50
Local extent of	48
Passing by-law	49
Readings of by-law, number	49
Time for motion to quash by-law	53
Validation of by-law	53
Liability of council for diversion of moneys	68
of corporation for damages	78
joint with adjoining municipality for want of repair	79
limitation of	80
of Town of Edmonton continued	5
Library, public, tax exemption	87
License	See Legislative Jurisdiction of Council, 50, 132
not payable by person assessed for business	88
fees, conviction for non-payment of, form	109
Licensing business	50, 132
Lien, land tax, one on land	90
Liquidator of company, when are goods in hands of, distrainable for taxes	92
List of assessment appeals	83
Loans, temporary	72
on special assessment not to be part of general debt	105
See Debenture, Local Improvements.	
Local benefit assessment, special	103
LOCAL IMPROVEMENT. Title XXXV.	101
Apportionment of cost of	103
Assessment, amount and mode of	104
additional in case of invalid	107
appeal from to commissioners	107
decision conclusive, when	108
to council	107
decision of conclusive	108
to judge as under Municipal Ordinance	108
evidence of serving of notice of	107
invalid, new may be made	107
mailing of notice of	107
Notice of, what to contain, how given	107
Sewer outlet, exemption of lots when	103
Special frontage, meaning of	102
exemption	See Sewer Outlet, 103
for sewer if lands not abutting	103
proportionate to size of lots	102
Special local benefit, meaning of	103
for sewers connecting land not actually abutting	103
By-laws	See By-laws, Assent of Burgesses to, 105
Assent of Burgesses to, when not required	105
Ascertaining costs and system of assessment	104
Contents of	108
Debentures, for borrowing by	104
for maturing of in probable lifetime of improvement	105
may comprise whole or part of cost	105
General application, may be of	104
General debt not to be extended by	105
Method of assessment	104
Proportion of cost to be borne by city	104
Quashing	107
Special frontage assessment	104
Special local benefit assessment	104
Temporary loans	105

MONEY BY-LAWS. Title XXIII.	53
Calculation of amount of debt.	53
Creating debts to provide for debentures and annual rate.	53
contents of.	54
to provide for optional mode of payment.	54
time for taking effect.	54
time for final passing.	56
Debentures provided for by by-law.	See Debenture. 53
execution of.	56
Form of debenture.	54
Issue of debentures.	56
Local improvement debenture.	See Local Improvements. 56
Limitation of amount of debenture debt.	53
Mode of payment.	54
Time of issue of debentures.	56
Time of taking effect of.	56
Time for final passing of.	56
Validation of.	56
Municipal Ordinance, application of only where provided in charter.	3
Assessment appeal from council to judge.	86
Local improvement assessment appeal to judge.	108
Municipality, meaning of term.	2
joint liability for repairs.	See Highways. 79
liability of officials for own acts.	41
Negligence, remedy against city.	78
Nomination.	See Elections general provisions.
Non-appearance of appellant from assessment.	84
Notice of action illegal by-law.	77
Notices and forms of.	See various titles. ..
OATHS OF OFFICE. Title XIX.	45
Auditor.	46
Deposit of form with secretary-treasurer.	47
Forms.	46, 47
Officials, member of council, etc., to take.	45
Powers to administer.	47
Returning officers and officers at polls.	46
Who to administer.	47
Obligations and liabilities, enforcement by and against city.	76
Obstruction.	See Action, damages.
Occupant of crown lands, liability to taxation.	86
Offences.	See Elections, procedure. 16
Fraudulent voting, attempt.	28
Secrecy of ballot, against.	29
See Assent of burgesses to by-law.	66
Interference with voter.	29
Secrecy of ballot, against.	29
See Penalties.	
OFFICIALS. Title XII.	41
Appointment generally.	41
not by tender.	41
By-law requiring security and fixing term of office.	41
Commissioners, q.v.	44
Gratuities for disabled or incapacitated.	41
Liability of for own acts.	41
not for want of repair by council.	80
Penalties, q.v.	
Security by and nature of.	41
Suspension by Mayor, except as to commissioners.	40
Tenure of office and duties.	41
Opening.	See Highways. 78
Order and good government, by-laws for.	See Legislative Jurisdiction. 49
Parliament of Canada, property exempted from taxation by.	86
PENALTIES. Title XXXVI, See Assessment, fraudulent, 82.	109
wrongful.	85
See Corrupt practices, Bribery and undue influences.	31
See Elections, procedure:—Cumulative voting.	28
Fraudulent voting, attempt.	28
Misfeasance of officer.	28
Non-observance of secrecy.	20, 29
Omission of officer to initial ballot.	19

PENALTIES—*Continued.*

See offences.....	
For breach of by-law.....	109
For nonpayment of license fee, payment may be adjudged, form of conviction.....	109
Penalty, appropriation of.....	109
Recovery of by action, when part, LVIII of Criminal Code does not apply.....	109
Peace, order and good government, power of council.....	49
Person, what included in term.....	2
Personal expenses of candidate.....	32
Petitions for local improvements, q.v.....	105
against when constructed, on notice.....	106
Places of worship, exemption from taxation.....	87
PLAN, deposit of in expropriation proceedings, q.v.....	73
Police force.....	44
Poll.....	See Elections...
Poll tax.....	88, 131
Powers of corporation.....	See Legislative Jurisdiction, how exercised. 4
of Mayor.....	See Mayor.

PRELIMINARY. Title I.....	1
Inconsistent ordinance repealed.....	3
Interpretation of words.....	1, 2, 129
Municipal Ordinance applies only if named.....	3
Ordinance 35 of 1900 incorporation.....	3
Substantial compliance with form.....	3
Time, computation of.....	3
Private roads, assumption of by city.....	78
Priority for land tax.....	90
Property of corporation, control of commissioners.....	44
Proportionate assessment.....	See Local Improvement.
Protested election.....	See Controverted Election.
Public places.....	See Highways. 77, 78
road.....	See Highways. 77, 78
library.....	See Tax Exemption. 87
schools exempted from taxes except local improvement.....	87
works.....	See By-laws. 49
Purchaser at tax sale, rights as to land.....	96
Qualifications.....	See Disqualification.
Alderman.....	6
Mayor.....	6
Oaths of office.....	46
Voters at elections.....	6, 130
Voters on by-laws requiring assent of burgesses.....	6, 130, 62

QUASHING BYLAWS. Title XXV.....	66
For corrupt practices.....	67
For illegality.....	64
application by elector to judge.....	64
motion to quash.....	64
notice of motion.....	64
proof of by-law.....	64
recognizance to prosecute.....	64
security for costs.....	64
Local improvement assessment.....	107
Quorum of council, majority of whole.....	39

RATES. Title XXVII.....	72
By-law authorizing assessment and collection.....	72
Date of maturity.....	72
Duties of council to levy and assess.....	72
Deficiency, how made up.....	72
Limitation of amount of levy.....	73
Local improvement rate.....	72, 104
School rates.....	72
Surplus, disposition of.....	72
Rate, general may include general debenture.....	89
Rebate on taxes by by-law.....	96
Receipt and payment of moneys by secretary-treasurer.....	42
by secretary-treasurer of moneys paid in redemption of tax sale.....	95
Records, copies of.....	42
kept by secretary-treasurer.....	42

RATES—*Continued.*

Records, open to inspection.....	42
tax sales, open to inspection.....	96
Recount—.....	See Elections, Procedure. 25
See Assent of burgesses to by-law.....	66
Recovery of penalties.....	See Penalties. 109
for corrupt practices.....	33
Redemption of land sold at tax sale.....	96
Registration of debenture and transfer.....	See Debentures. 70
Remedy over in action for damages.....	See Highways. 78
Rent, tenant may deduct landlord's taxes from, when.....	See Taxes. 91
notice to tenant to pay to collector.....	See Taxes. 91
Repair of Highways.....	78
Joint liability of municipalities.....	79
Repeal, inconsistent Ordinances.....	3
Municipal Ordinance and amendments.....	3
Ordinance to incorporate town, save.....	3
Ordinance 35 of 1900 as amended, incorporated.....	3
See Schedule A.....	111
Resident, meaning of term.....	2
Return.....	See Elections, Procedure. 23
See Assent of burgesses to by-law.....	65
of tax sale.....	See Sale of Land for Taxes. 96
Returning officer.....	See Elections, general provisions. 9
See Assent of Burgesses to by-law.....	64
Revised assessment roll, meaning of term.....	See Assessment. 2, 84
Road.....	See Highways, Local Improvements. 77, 101
Roll, assessment.....	See Assessment roll. 81
tax.....	See Taxes, copy roll conclusive evidence of debt. 91
Sale of chattels distrained for taxes.....	See Taxes. 91, 92
Sale of closed street.....	See Highway. 78

SALE OF LAND FOR TAXES. Title XXXIV.....	94
Action questioning.....	See Suit. 101
Adjournment of sale.....	95
Advertisement of sale, contents.....	94
costs to be added to arrears.....	94
Auction, sale to be by.....	95
Certificate to purchaser after sale.....	95
City purchaser if no bid.....	95
Claims against tax sales fund, q.v. below.....	99
Costs to be added to arrears.....	99
Crown lands sold, effect of sale.....	99
Date and place of sale.....	95
Date taxes considered due.....	72
Default of purchaser, resale on.....	95
Forfeiture by purchaser on nonpayment of surplus.....	95
Forms, notice of sale.....	94
transfer.....	97
Invalid sale, limitation of city's liability.....	99, 101
Land in arrear, list of.....	94
all saleable to be advertised.....	94
omissions not invalidate future sale.....	94
publication of list.....	94
Limitation of liability of city.....	99, 101
Notice of.....	See Advertisement. 94
Omission from list not to invalidate future sales.....	94
Place and date of.....	95
Purchase money, how payable, failure to pay.....	95
Purchaser's rights as to land.....	96
Questioning action.....	See Suit. 101
Redemption, amount required.....	96
effect of.....	96
notice to purchaser.....	97
receipt to be given.....	97
time for.....	96
unauthorized person.....	97
Return of sales to be made by secretary-treasurer.....	96
open to inspection.....	96
Sale to be taken as of day advertised.....	96

SALE OF LAND FOR TAXES—*Continued.*

Suit questioning.....	101
limitation of.....	101
notice to secretary-treasurer.....	101
provisions apply only to land to which certificate of title has not issued.....	101
surplus, how dealt with.....	101
Surplus price after payment of taxes and costs.....	95, 99
Tax sales fund, account of balance of purchase money over taxes.....	99
Claimant estopped from questioning sale.....	101
only where certificate of title has not issued..	101
Claims against procedure.....	99
notice of claim.....	100
petition to Judge.....	100
orders of Judge.....	100
costs.....	100
fees.....	100
Forfeiture of moneys in fund over six years.....	99
Separate account to be kept by secretary-treasurer.....	99
Surplus to credit of lot to be held pending suit.....	100
Time of sale to be fixed by council.....	95
Transfer, conclusive at end of one year, except.....	98
disencumbers land of prior charges.....	98
effect of.....	98
form of.....	97
fee to secretary-treasurer except for transfer to city.....	97
Upset price.....	95
Schedule A, Ordinance 35 of 1900, as amended, q.v.....	111
Schools exempt from taxation, q.v.....	87
School taxes.....	See Rates, Taxation. 72, 87

SCHOOL TRUSTEES. Title VII.....	30
Nomination and election, form of ballot.....	30
Notice to secretary-treasurer of vacancies to be filled.....	30
Qualification of.....	30
Separate school supporters, no vote for public.....	30
Voters, qualification of.....	30
oath.....	30

SECRETARY-TREASURER'S OFFICE AND DUTIES. Title XIII.....	42
Absence or incapacity, substitute.....	42
Appointment of.....	See Officials. 41
Audit of books.....	See Audit. 44
Books to be kept by.....	See Finance. 43, 67
Clerk and treasurer may be substituted for.....	43
duties of, may be defined by Council.....	43
Duties of, generally.....	42
assent of Burgesses to by-law, q.v.....	65
Finance, q.v.....	67-9
Sale of land for taxes, q.v.....	94-101
Oath of office.....	45
Receipt and deposit of moneys.....	42
Records, to furnish copies of.....	42
Security.....	See Officials 41
Semi-annual statement.....	43
Treasurer and clerk may be substituted for.....	43
Security from officials.....	41
Separate school, tax exemption, except local improvement.....	87
Sewer rate may be payable with general taxes.....	89
Sewers, repair of.....	See Local Improvements. 78
assumption of private sewer.....	72
Shrubbery, trimming of.....	See Local Improvements. 102
Sidewalks, repair of.....	See Local Improvements. 78..
assumption of private.....	78
Sinking fund.....	See Finance. 68
Solicitor.....	See City Solicitor. 41
Special franchise, meaning of term.....	See By-laws, Taxation. 2
Special frontage assessment.....	See Local Improvements. 102
Special local benefit assessment.....	See Local Improvements. 103
Special rate.....	See Finance, Local Improvements. 67
Square, closing, repair.....	See Highways. 78

Square, boulevarding, etc.....	See Local Improvements.	102
Street, closing, repair.....	See Highways, Local Improvements.	78
Surplus purchase price of lands sold for taxes.....		95, 99
rates, disposal of.....		72
after distress for taxes, contested claim to.....		93
Suspension of Officers of Mayor.....		40
TAXATION. Title XXXII.	See Taxes, Assessment.	86
Of businesses, income, land, special franchise and poll tax.....		86
Business tax exempts from license fee and income tax.....		88
Exemptions:—Absolute, crown property.....		86
Court House.....		87
Income to \$1,000.....		87
Jail.....		87
Property exempted by Parliament.....		87
for public use of Territories.....		87
belonging to city and used for civic purposes.....		87
Public libraries.....		87
Qualified, places of worship, educational and charitable.....		87
Land tax does not exempt from business tax.....		88
Local improvement tax payable on qualified exemption.....		87
Mode of assessment.....		87
Occupant of Crown lands when liable to taxation.....		86
TAXES. Title XXXIII.	See Taxation, Assessment.	89
Action for.....	See Actions by and against city.	90
Action to enforce lien on land for land tax.....		90
Assessor to prepare tax roll.....		89
to give notice of taxes.....		90
may require tenant to pay rent.....		91
may distrain for rent.....		91
may distrain for taxes.....		91, 92
to advertise sale.....		93
to make return of uncollected taxes.....		94
By-law may allow discount and charge interest.....		90
Collection of.....		90
from tenant and right to distress for rent.....		91
Contested claim to surplus on distress.....		93
Copy tax roll conclusive evidence of debt.....		91
Costs of distress.....		93
Date of preparation of tax roll.....		89
Date of payment of fixed by council.....		90
Deduction of rent by tenant paying.....		91
Deduction from rent by tenant paying.....		91
Discount, allowance of by by-law.....		90
Distress for rent after notice to tenant to pay.....		90
Distress for, when a lien on land, what goods subject.....		91
when owner or person taxed not in possession.....		91
tenant not liable to unless originally assessed.....		92
when no lien, what goods subject to.....		92, 132
goods warehoused or in hands of assignee not liable.....		92
costs of.....		93
exemptions.....		93
on warrant when goods about to be removed after demand and notice but before payment.....		93
Errors in notice or statement of taxes not to invalidate proceedings.....		93
Exemptions from distress.....		92
Interest on by by-law.....		90, 132
Instalments, payment by, when.....		90
Land tax a lien.....		90
Collection from tenant.....		91
Notice to pay rent to assessor.....		91
Rent, distress by assessor after notice.....		91
What goods may be levied on.....		91
Notice of and service.....		89, 90
Notice to non-resident.....		90
Payment of, time and place.....		90
extension of time.....		90
when may be by instalments.....		90
Rebate.....	See Discount.	90
Return of uncollected taxes by assessor.....		94

TAXES—*Continued.*

Sale of goods distrained for.....	93
Sale of land for, q.v.....	94
Surplus after distress and sale, claim to.....	93
Tax roll, preparation and contents of.....	89
Time for preparation of tax roll.....	89
Warrant of distress when goods being removed.....	93
Tax roll.....	See Taxes. 89
Tax sale fund.....	See Sale of Land for Taxes. 99
Temporary loans.....	See Rates and Local Improvements. 72, 105
Tenant may deduct from rent taxes paid by him.....	91
may be required to pay rent to assessor.....	91
Tenants for life, powers in expropriation.....	74
Tender.....	See Expropriation. 75
See Actions by and against city.....	77
Threats.....	See Corrupt practices, Undue influence. 32
Third party, remedy over against.....	78, 79
Time, computation of.....	3
See various titles.....	
Transfer of debentures, q.v.....	70, 71
Transfer of land.....	See Sale of Land for Taxes. 98
conclusive after one year.....	98
Treasurer.....	See Secretary-treasurer. 43
Trees, trimming of.....	See Local Improvements. 102
Undue influence.....	See Corrupt Practices. 32
University, tax exemption except local improvement tax.....	87
Upset price.....	See Sale of Land for Taxes. 95
VACANCIES IN COUNCIL. Title IX.....	34
By application for relief as an insolvent debtor.....	34
assignment for benefit of creditors.....	34
felony.....	34
infamous crime.....	34
insolvency.....	34
new election.....	35
resignation.....	34
compulsory resignation.....	35
controverted election, q.v.....	35
Voters.....	See Elections, Qualifications, Voters' lists.
VOTERS' LISTS. Title IV.....	6
Application to amend.....	7, 130
notice of and form.....	7
service on assessor.....	130
hearing by court of revision.....	8, 130
Court of revision.....	8, 130
powers.....	7, 8
witnesses, attendance of.....	8
List of applicants to be prepared by assessor.....	8
Preparation of by assessor.....	130
time for.....	130
Qualification of electors.....	130
Wards, subdivision of city into by by-law.....	5
Representation by.....	5
Warrant of distress for taxes, q.v.....	91
Waterworks extension.....	103
Welfare of city, by-laws for.....	49
Worship, place of, tax exemption.....	87
Wrongful assessment.....	See penalties. 83
Y.M.C.A., tax exemption except Local Improvement.....	87

SCHEDULE A.

An Ordinance respecting certain kinds of contemplated Municipal Public Works for the Town of Edmonton, 1900, cap. 53.....	111
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